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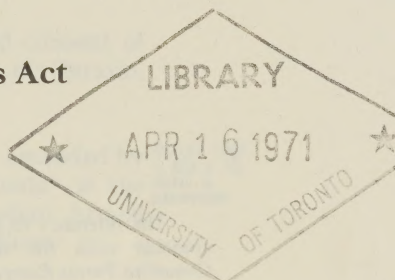
CA20N
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-B 56

BILL 1

55
Government
Publication
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Wills Act



THE HON. W. G. DAVIS
Prime Minister

4th Session, 38th Legislature, Ontario
30 ELIZABETH II, 1971

An Act to amend The Wills Act

EXPLANATORY NOTE

The reference to naval, military or air forces of Canada is changed to coincide with the new name "Canadian Armed Forces" under the *Canadian Forces Reorganization Act*.

The Hon. W. G. Davis
Prime Minister

BILL 1

1971

An Act to amend The Wills Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 13 of *The Wills Act* is amended by striking out "naval, military or air forces of Canada" in the second line and inserting in lieu thereof "Canadian Armed Forces", so that the subsection shall read as follows:

R.S.O. 1960,
c. 433, s. 13,
subs. 3,
amended

(3) In this section, "member of the forces" means a member of the Canadian Armed Forces who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Interpre-
tation

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Wills Amendment Act, 1971*.

Short title

An Act to amend
The Wills Act

1st Reading
March 30th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
PRIME MINISTER

(Government Bill)

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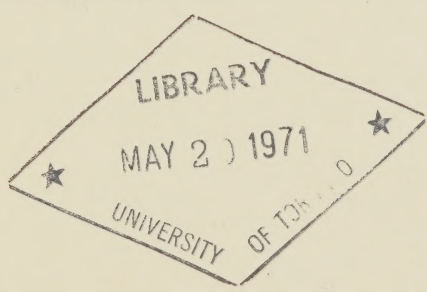
BILL 1

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Wills Act

THE HON. W. G. DAVIS
Prime Minister



BILL 1

1971

An Act to amend The Wills Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 13 of *The Wills Act* is amended by striking out "naval, military or air forces of Canada" in the second line and inserting in lieu thereof "Canadian Armed Forces", so that the subsection shall read as follows:

R.S.O. 1960,
c. 433, s. 13,
subs. 3,
amended

(3) In this section, "member of the forces" means a member of the Canadian Armed Forces who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Interpre-
tation

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Wills Amendment Act*, 1971.

Short title

An Act to amend
The Wills Act

1st Reading

March 30th, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. W. G. DAVIS
PRIME MINISTER

CA20N

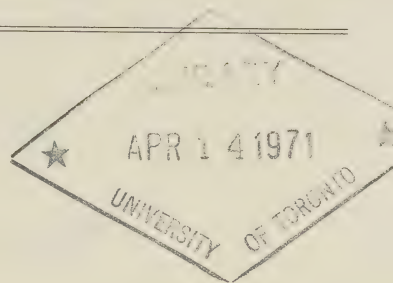
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BILL 2

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Administration of Justice Act, 1968

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment makes it possible to authorize the payment of the expense of an accused person to attend the place of trial even though the offence charged is not indictable.

SECTION 2. The amendment enables fees payable by the Crown or the public for the purposes of various other Acts to be prescribed by one scale under this Act.

BILL 2

1971

An Act to amend The Administration of Justice Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Administration of Justice Act, 1968* is amended by striking out "indictable" in the third line, so that the subsection shall read as follows: 1968, c. 1, s. 6, subs. 3, amended

(3) Where the Director of Public Prosecutions is of the opinion that it is advisable to bring a person charged with an offence from a place out of or in Ontario to the place of trial in Ontario, he may direct that such be done and in every such case the expenses incurred in carrying out the direction shall be paid out of the moneys appropriated by the Legislature for the administration of justice. Payment of expenses of bringing accused to trial

2. Clauses *a* and *b* of section 7 of *The Administration of Justice Act, 1968* are repealed and the following substituted therefor: 1968, c. 1, s. 7, cls. a, b, re-enacted

(a) requiring the payment of fees for any thing required or authorized under any Act to be done by any person in the administration of justice and prescribing the amounts thereof;

(b) providing for the payment of fees and allowances by Ontario in connection with services under any Act for the administration of justice and prescribing the amounts thereof.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Administration of Justice Amendment Act, 1971*. Short title

An Act to amend
The Administration of
Justice Act, 1968

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

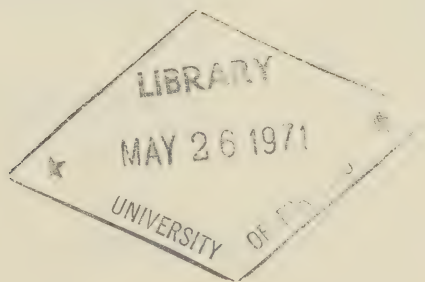
THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Administration of Justice Act, 1968

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Administration of Justice Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Administration of Justice Act, 1968* is amended by striking out "indictable" in the third line, so that the subsection shall read as follows:

- (3) Where the Director of Public Prosecutions is of the opinion that it is advisable to bring a person charged with an offence from a place out of or in Ontario to the place of trial in Ontario, he may direct that such be done and in every such case the expenses incurred in carrying out the direction shall be paid out of the moneys appropriated by the Legislature for the administration of justice.

2. Clauses *a* and *b* of section 7 of *The Administration of Justice Act, 1968* are repealed and the following substituted therefor:

- (a) requiring the payment of fees for any thing required or authorized under any Act to be done by any person in the administration of justice and prescribing the amounts thereof;
- (b) providing for the payment of fees and allowances by Ontario in connection with services under any Act for the administration of justice and prescribing the amounts thereof.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

4. This Act may be cited as *The Administration of Justice Amendment Act, 1971*.

An Act to amend
The Administration of
Justice Act, 1968

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 11th, 1971

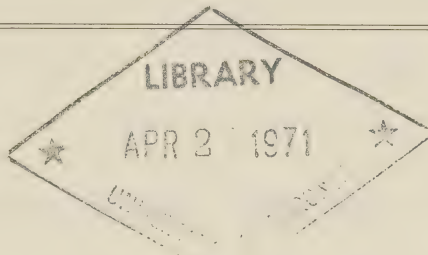
THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

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-B 56

BILL 3

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The County Judges Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTES

SECTIONS 1 AND 2. The amendment authorizes an additional county court judge for the County of Wentworth and three additional judges having jurisdiction anywhere in Ontario.

BILL 3

1971

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The County Judges Act*, as re-enacted by subsection 2 of section 1 of *The County Judges Amendment Act, 1968-69*, is amended by striking out “each of the counties of Essex and Wentworth” in the third and fourth lines and inserting in lieu thereof “the County of Essex”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
subs. 2
(1968-69,
c. 20, s. 1,
subs. 2),
amended

(2) Two junior judges may be appointed for the county court of The Regional Municipality of Ottawa-Carleton and of the County of Essex.

Idem

(2) Subsection 3 of the said section 2, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out “the county of Middlesex” in the second line and inserting in lieu thereof “each of the counties of Middlesex and Wentworth”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
subs. 2
(1968, c. 22,
s. 1), subs. 3,
amended

(3) Three junior judges may be appointed for the county court of each of the counties of Middlesex and Wentworth.

Idem

2. Subsection 1 of section 3 of *The County Judges Act*, as amended by section 1 of *The County Judges Amendment Act, 1966*, is further amended by striking out “seventeen” in the amendment of 1966 and inserting in lieu thereof “twenty”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 3,
subs. 1,
amended

(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding twenty in number, may be appointed,

Additional
judges

(a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(b) for the county and district courts of the counties and districts of Ontario.

R.S.O. 1960,
c. 77, s. 13,
amended

3. Section 13 of *The County Judges Act* is amended by striking out,

(a) subsections 3 and 4, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*;

(b) subsection 5, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62* and amended by subsection 1 of section 2 of *The County Judges Amendment Act, 1968*;

(c) subsection 6, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*,

and inserting in lieu thereof the following :

Fees payable
to court
reporters
1968, c. 1

(3) Every court reporter shall be paid such fees as are prescribed under *The Administration of Justice Act, 1968*.

Fees retain-
able by
salaried
court
reporters
1961-62,
c. 121

(4) Every court reporter who is employed under *The Public Service Act, 1961-62* is entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

(5) Where a court reporter is employed under *The Public Service Act, 1961-62* and is by his appointment expressly prohibited from taking for his own use fees for transcriptions, he shall collect the fees for such transcriptions and pay them over to the Treasurer of Ontario.

Fees retain-
able by non-
salaried
court
reporter

(6) A court reporter who is not employed under *The Public Service Act, 1961-62* may retain for his own use the fees payable for his services prescribed under *The Administration of Justice Act, 1968*.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

SECTION 3. The Bill provides for prescribing fees for court reporters by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable in other similar matters.

(2) Section 3 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

5. This Act may be cited as *The County Judges Amendment Act, 1971*. ^{Short title}

An Act to amend
The County Judges Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

(Government Bill)

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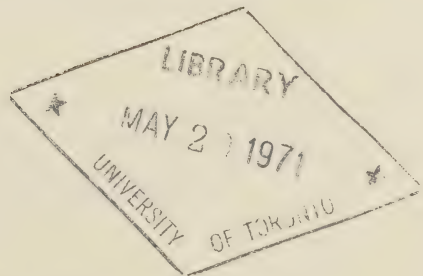
BILL 3

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The County Judges Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



BILL 3

1971

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The County Judges Act*, as re-enacted by subsection 2 of section 1 of *The County Judges Amendment Act, 1968-69*, is amended by striking out “each of the counties of Essex and Wentworth” in the third and fourth lines and inserting in lieu thereof “the County of Essex”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
subs. 2,
(1968-69,
c. 20, s. 1,
subs. 2),
amended

(2) Two junior judges may be appointed for the county *Idem* court of The Regional Municipality of Ottawa-Carleton and of the County of Essex.

(2) Subsection 3 of the said section 2, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out “the county of Middlesex” in the second line and inserting in lieu thereof “each of the counties of Middlesex and Wentworth”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 2,
(1968, c. 22,
s. 1), subs. 3,
amended

(3) Three junior judges may be appointed for the county *Idem* court of each of the counties of Middlesex and Wentworth.

2. Subsection 1 of section 3 of *The County Judges Act*, as amended by section 1 of *The County Judges Amendment Act, 1966*, is further amended by striking out “seventeen” in the amendment of 1966 and inserting in lieu thereof “twenty”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 77, s. 3,
subs. 1,
amended

(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding twenty in number, may be appointed, *Additional judges*

- (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
- (b) for the county and district courts of the counties and districts of Ontario.

R.S.O. 1960,
c. 77, s. 13,
amended

3. Section 13 of *The County Judges Act* is amended by striking out,

- (a) subsections 3 and 4, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*;
- (b) subsection 5, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62* and amended by subsection 1 of section 2 of *The County Judges Amendment Act, 1968*;
- (c) subsection 6, as re-enacted by subsection 1 of section 8 of *The County Judges Amendment Act, 1961-62*,

and inserting in lieu thereof the following:

Fees payable
to court
reporters
1968, c. 1

- (3) Every court reporter shall be paid such fees as are prescribed under *The Administration of Justice Act, 1968*.

Fees retain-
able by
salaried
court
reporters
1961-62,
c. 121

- (4) Every court reporter who is employed under *The Public Service Act, 1961-62* is entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment.

Idem

- (5) Where a court reporter is employed under *The Public Service Act, 1961-62* and is by his appointment expressly prohibited from taking for his own use fees for transcriptions, he shall collect the fees for such transcriptions and pay them over to the Treasurer of Ontario.

Fees retain-
able by non-
salaried
court
reporter

- (6) A court reporter who is not employed under *The Public Service Act, 1961-62* may retain for his own use the fees payable for his services prescribed under *The Administration of Justice Act, 1968*.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

(2) Section 3 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

5. This Act may be cited as *The County Judges Amendment Act, 1971*. ^{Short title}

An Act to amend
The County Judges Act

1st Reading

April 1st, 1971

2nd Reading

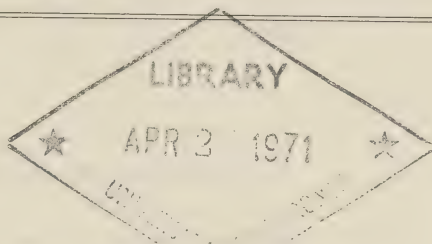
May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Crown Witnesses Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides for prescribing the fees for Crown witnesses by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable by the Crown in other similar matters.

BILL 4

1971

An Act to amend The Crown Witnesses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1 and 2 and section 3, as amended by section 1 of *The Crown Witnesses Amendment Act, 1968*, of *The Crown Witnesses Act*, are repealed and the following substituted therefor: R.S.O. 1960, c. 84, ss. 1, 2, re-enacted; s. 3, repealed

1. In this Act,

Interpre-
tation

(a) "trial" means any proceeding in a criminal matter in a court or before a justice of the peace or a grand jury, but does not include a proceeding in a matter arising out of a contravention of a by-law of a municipality or local board thereof;

(b) "witness" means a person who attends at the instance of the Crown to give evidence at a trial.

2.—(1) Witnesses attending trials at the instance of the Crown shall be paid such fees and allowances as are prescribed under *The Administration of Justice Act, 1968*. Fees for Crown witnesses 1968, c. 1

(2) No witness fee or allowance shall be paid under subsection 1 to a member of a police force who attends a trial held in the county or district within which the police force is responsible for policing an area. Exception

(3) The Crown attorney, with the approval of the Director of Public Prosecutions, may order the payment of such sum in addition to the fees and allowances referred to in subsection 1 as he considers reasonable and sufficient to compensate the witness. Compensation for preparatory work

for doing any work in preparation for a trial or preparing any document or article for use at a trial.

Increase of
fees in
special
circum-
stances

- (4) Where the Director of Public Prosecutions is of the opinion that the fees and allowances payable to a witness under subsection 1 are insufficient having regard to special circumstances, he may authorize the payment of such higher fee or allowance as he considers appropriate.

R.S.O. 1960,
c. 84, s. 4,
amended

2. Section 4 of *The Crown Witnesses Act* is amended by striking out "sections 2 and 3 apply" in the second and third lines and inserting in lieu thereof "section 2 applies", so that the section shall read as follows:

Where no
indictment
preferred
or trial
had

4. Where a bill of indictment has not been preferred or where a trial has not been proceeded with, section 2 applies if in the opinion of the Crown attorney a person attended the court in obedience to a recognition or subpoena or at the instance of the Crown.

R.S.O. 1960,
c. 84, Sched.,
repealed

3. The Schedule to *The Crown Witnesses Act* is repealed.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

5. This Act may be cited as *The Crown Witnesses Amendment Act, 1971*.

BILL 4

An Act to amend
The Crown Witnesses Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

CAZON

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-B56

BILL 4

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

*Governor
Published*

An Act to amend The Crown Witnesses Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 4

1971

An Act to amend The Crown Witnesses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1 and 2 and section 3, as amended by section 1 of *The Crown Witnesses Amendment Act, 1968*, of *The Crown Witnesses Act*, are repealed and the following substituted therefor: R.S.O. 1960, c. 84, ss. 1, 2, re-enacted; s. 3, repealed

1. In this Act,

Interpre-
tation

(a) "trial" means any proceeding in a criminal matter in a court or before a justice of the peace or a grand jury, but does not include a proceeding in a matter arising out of a contravention of a by-law of a municipality or local board thereof;

(b) "witness" means a person who attends at the instance of the Crown to give evidence at a trial.

2.—(1) Witnesses attending trials at the instance of the Crown shall be paid such fees and allowances as are prescribed under *The Administration of Justice Act, 1968*. Fees for Crown witnesses 1968, c. 1

(2) No witness fee or allowance shall be paid under subsection 1 to a member of a police force who attends a trial held in the county or district within which the police force is responsible for policing an area. Exception

(3) The Crown attorney, with the approval of the Director of Public Prosecutions, may order the payment of such sum in addition to the fees and allowances referred to in subsection 1 as he considers reasonable and sufficient to compensate the witness Compensation for preparatory work

for doing any work in preparation for a trial or preparing any document or article for use at a trial.

Increase of
fees in
special
circum-
stances

- (4) Where the Director of Public Prosecutions is of the opinion that the fees and allowances payable to a witness under subsection 1 are insufficient having regard to special circumstances, he may authorize the payment of such higher fee or allowance as he considers appropriate.

R.S.O. 1960,
c. 84, s. 4,
amended

2. Section 4 of *The Crown Witnesses Act* is amended by striking out "sections 2 and 3 apply" in the second and third lines and inserting in lieu thereof "section 2 applies", so that the section shall read as follows:

Where no
indictment
preferred
or trial
had

4. Where a bill of indictment has not been preferred or where a trial has not been proceeded with, section 2 applies if in the opinion of the Crown attorney a person attended the court in obedience to a recognition or subpoena or at the instance of the Crown.

R.S.O. 1960,
c. 84, Sched.,
repealed

3. The Schedule to *The Crown Witnesses Act* is repealed.

Comence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

5. This Act may be cited as *The Crown Witnesses Amendment Act, 1971*.

An Act to amend
The Crown Witnesses Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

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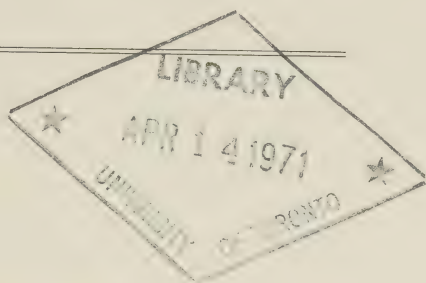
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BILL 5

Government Bill

~~B 56~~

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Drugless practitioners are added to the persons exempted from jury duty.

SECTIONS 2 TO 5. The amendments provide for prescribing the fees under *The Jurors Act* by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable in other similar matters.

BILL 5

1971

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 14 of subsection 1 of section 3 of *The Jurors Act* is amended by inserting after "chemist" in the second line "drugless practitioner", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 199, s. 3,
subs. 1, par. 14,
amended

14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner and veterinary surgeon actually practising.

2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 49,
subs. 3
(1968, c. 60,
s. 1),
repealed

3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 59,
subs. 2
(1968, c. 60,
s. 2),
repealed

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

R.S.O. 1960,
c. 199, s. 66,
subs. 7,
repealed

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 199, s. 83,
re-enacted

83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,

Fees payable
to jurors,
selectors,
etc.
1968, c. 1

(a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

(b) the justice of the peace in attendance for each selection of jurors to be released under

section 49 and for each panel drafted under section 59; and

- (c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.

An Act to amend
The Jurors Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

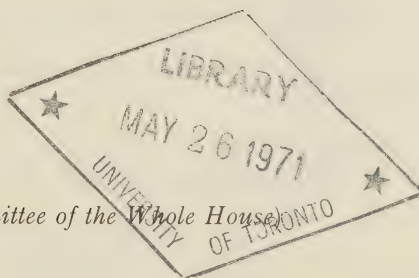
(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Reprinted as amended by the Committee of the Whole House)



BILL 5

1971

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 14 of subsection 1 of section 3 of *The Jurors Act* is amended by inserting after "chemist" in the second line "drugless practitioner, optometrist", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 199, s. 3,
subs. 1, par. 14,
amended

14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner, optometrist and veterinary surgeon actually practising.

2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 49,
subs. 3
(1968, c. 60,
s. 1),
repealed

3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 59,
subs. 2
(1968, c. 60,
s. 2),
repealed

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

R.S.O. 1960,
c. 199, s. 66,
subs. 7,
repealed

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 199, s. 83,
re-enacted

83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,

Fees payable
to jurors,
selectors,
etc.
1968, c. 1

(a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

(b) the justice of the peace in attendance for each selection of jurors to be released under

section 49 and for each panel drafted under section 59; and

- (c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.

An Act to amend
The Jurors Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

*(Reprinted as amended by the Committee of
the Whole House)*

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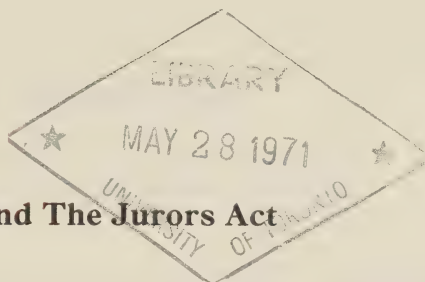
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BILL 5

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Publication



An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Drugless practitioners are added to the persons exempted from jury duty.

SECTIONS 2 TO 5. The amendments provide for prescribing the fees under *The Jurors Act* by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable in other similar matters.

BILL 5

1971

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 14 of subsection 1 of section 3 of *The Jurors Act* is amended by inserting after "chemist" in the second line "drugless practitioner", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 199, s. 3,
subs. 1, par. 14,
amended

14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner and veterinary surgeon actually practising.

2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 49,
subs. 3
(1968, c. 60,
s. 1),
repealed

3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 59,
subs. 2
(1968, c. 60,
s. 2),
repealed

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

R.S.O. 1960,
c. 199, s. 66,
subs. 7,
repealed

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 199, s. 83,
re-enacted

83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,

Fees payable
to jurors,
selectors,
etc.
1968, c. 1

- (a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

- (b) the justice of the peace in attendance for each selection of jurors to be released under

section 49 and for each panel drafted under section 59; and

- (c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.

An Act to amend
The Jurors Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

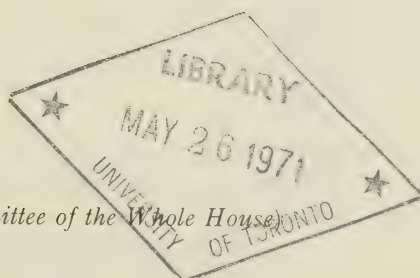
THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 5

1971

An Act to amend The Jurors Act

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14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner, optometrist and veterinary surgeon actually practising.

2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed.

3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed.

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,

(a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

(b) the justice of the peace in attendance for each selection of jurors to be released under

R.S.O. 1960,
c. 199, s. 3,
subs. 1, par. 14,
amended

R.S.O. 1960,
c. 199, s. 49,
subs. 3
(1968, c. 60,
s. 1),
repealed

R.S.O. 1960,
c. 199, s. 59,
subs. 2
(1968, c. 60,
s. 2),
repealed

R.S.O. 1960,
c. 199, s. 66,
subs. 7,
repealed

R.S.O. 1960,
c. 199, s. 83,
re-enacted

Fees payable
to jurors,
selectors,
etc.
1968, c. 1

section 49 and for each panel drafted under section 59; and

- (c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.

An Act to amend
The Jurors Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

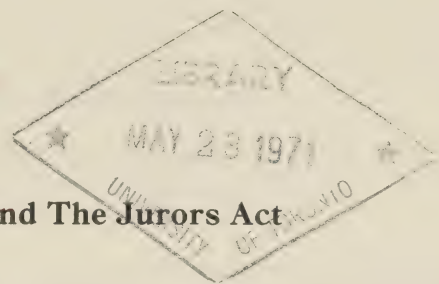
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the Whole House)*

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BILL 5

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

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Bills



An Act to amend The Jurors Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

BILL 5

1971

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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R.S.O. 1960,
c. 199, s. 3,
subs. 1, par. 14,
amended

14. Every physician, surgeon, dental surgeon, pharmaceutical chemist, drugless practitioner, optometrist and veterinary surgeon actually practising.

R.S.O. 1960,
c. 199, s. 49,
subs. 3
(1968, c. 60,
s. 1),
repealed

2. Subsection 3 of section 49 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 199, s. 59,
subs. 2
(1968, c. 60,
s. 2),
repealed

3. Subsection 2 of section 59 of *The Jurors Act*, as re-enacted by section 2 of *The Jurors Amendment Act, 1968*, is repealed.

4. Subsection 7 of section 66 of *The Jurors Act* is repealed.

R.S.O. 1960,
c. 199, s. 66,
subs. 7,
repealed

5. Section 83 of *The Jurors Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 199, s. 83,
re-enacted

83. Such fees and allowances as are prescribed under *The Administration of Justice Act, 1968* shall be paid to,

Fees payable
to jurors,
selectors,
etc.
1968, c. 1

(a) every grand juror attending a sitting of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court;

(b) the justice of the peace in attendance for each selection of jurors to be released under

section 49 and for each panel drafted under section 59; and

- (c) local and county selectors for the performance of their duties.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short
title

7. This Act may be cited as *The Jurors Amendment Act, 1971*.

An Act to amend
The Jurors Act

1st Reading

April 1st, 1971

2nd Reading

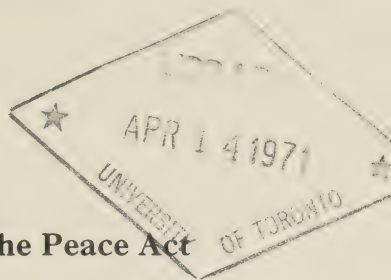
May 3rd, 1971

3rd Reading

May 11th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Justices of the Peace Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for prescribing fees for justices of the peace by regulation under *The Administration of Justice Act, 1968* where the amounts will be made uniform with fees payable in other similar matters. It also provides for the extension of appointing salaried justices of the peace for any part of Ontario.

BILL 6

1971

An Act to amend The Justices of the Peace Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Sections 9 and 10 of <i>The Justices of the Peace Act</i>, as re-enacted by section 2 of <i>The Justices of the Peace Amendment Act, 1968</i>, are repealed and the following substituted therefor:</p> | <p>R.S.O. 1960,
c. 200, s. 9
(1968, c. 61,
s. 2),
re-enacted;
s. 10
(1968, c. 61,
s. 2),
repealed</p> |
| <p>9.—(1) Subject to subsections 2 and 3, justices of the peace shall be paid such fees, allowances and expenses as are prescribed under <i>The Administration of Justice Act, 1968</i>.</p> | <p>Fees

1968, c. 1</p> |
| <p>(2) The Lieutenant Governor in Council may authorize the payment of a salary to a justice of the peace appointed for Ontario or any part thereof and fix the amount of such salary.</p> | <p>Disposition
of fees</p> |
| <p>(3) Where a justice of the peace is paid a salary under subsection 2, subsection 1 does not apply in respect of fees payable by Ontario and the justice of the peace shall pay all other fees received by him over to the Treasurer of Ontario.</p> | <p>Idem</p> |
| <p>2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.</p> | <p>Commence-
ment</p> |
| <p>3. This Act may be cited as <i>The Justices of the Peace Amendment Act, 1971</i>.</p> | <p>Short
title</p> |

An Act to amend
The Justices of the Peace Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

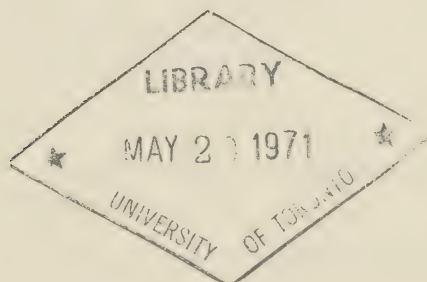
BILL 6

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Justices of the Peace Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 6

1971

An Act to amend The Justices of the Peace Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 9 and 10 of *The Justices of the Peace Act*, as re-enacted by section 2 of *The Justices of the Peace Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 200, s. 9
(1968, c. 61,
s. 2),
re-enacted;
s. 10
(1968, c. 61,
s. 2),
repealed

9.—(1) Subject to subsections 2 and 3, justices of the peace shall be paid such fees, allowances and expenses as are prescribed under *The Administration of Justice Act, 1968*.

Fees

1968, c. 1

(2) The Lieutenant Governor in Council may authorize the payment of a salary to a justice of the peace appointed for Ontario or any part thereof and fix the amount of such salary.

Disposition
of fees

(3) Where a justice of the peace is paid a salary under subsection 2, subsection 1 does not apply in respect of fees payable by Ontario and the justice of the peace shall pay all other fees received by him over to the Treasurer of Ontario.

Idem

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1971*.

Short
title

An Act to amend
The Justices of the Peace Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

May 3rd, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

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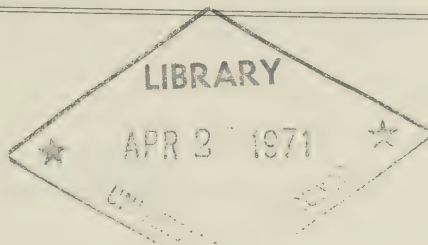
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BILL 7

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Summary Convictions Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The provision for the combined or uniform traffic ticket is rewritten to permit its use for offences other than traffic offences. The amendment also incorporates procedural improvements.

BILL 7

1971

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Summary Convictions Act*, as amended R.S.O. 1960, c. 387, s. 7, re-enacted by section 1 of *The Summary Convictions Amendment Act, 1967*, is repealed and the following substituted therefor:

- 7.—(1) In addition to the procedure set out in the *Criminal Code* (Canada) for laying an information and Ticket summons 1953-54, c. 51 (Can.) for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic.
- (2) A ticket under this section shall include provision Form of ticket for the information, summons, report and police record.
- (3) The Lieutenant Governor in Council may make Regulations regulations,
- (a) prescribing the form of the ticket;
 - (b) designating offences under provisions of Acts or regulations for the purposes of this section;
 - (c) authorizing the use on a ticket of any word or expression to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic;
 - (d) respecting any matter that he considers necessary to provide for the use of the ticket.

Where
payment
out of court

- (4) Where the offence charged in the ticket is one for which the penalty may be paid out of court as determined by the court in which the summons is returnable, the officer issuing the summons may enter the amount of the penalty fixed by the court in the place provided therefor on the ticket, and such entry constitutes the endorsement required by subsection 1 of section 7a.

Sufficiency of
abbreviations

- (5) The use on a ticket of any word or expression authorized by the regulations to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic is sufficient for all purposes to describe the offence designated by such word or expression.

Delivery of
summons

- (6) Upon completing a ticket, the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with an offence therein and delivery of the ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 6.

Idem

- (7) Delivery of a ticket summons under subsection 6 may be made on a holiday.

Proof of
delivery

- (8) The issuing officer shall sign the information portion of the ticket and certify that he personally delivered the summons portion of the ticket to the person accused therein and the certification shall be in the following words:—

"I certify that I did personally deliver the summons portion of this ticket to the accused on the date mentioned above."

Idem

- (9) A certificate of delivery purporting to be signed by the issuing officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.

Complaint
signed and
sworn

- (10) Every ticket information shall be,
- (a) signed by the informant and sworn to before a justice; and
 - (b) deposited, together with the ticket report of conviction, with the proper justice.

SECTION 2. The amendment prohibits the officer serving a summons from accepting payment of the amount payable out of court.

SECTION 3. The amendment permits to be done directly what is now practised indirectly, that is, for the accused to arrange for an adjournment to a convenient time and not appear as originally summoned.

(11) The ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the ticket summons. Swearing of information

(12) Where a justice makes a conviction on a ticket information in respect of an offence under a provision of an Act, regulation or by-law regulating traffic, he shall complete the ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 152 of *The Highway Traffic Act*. Report of conviction
R.S.O. 1960, c. 172

2. Section 7a of *The Summary Convictions Act*, as enacted by section 3 of *The Summary Convictions Amendment Act, 1964*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 387, s. 7a
(1964, c. 113, s. 3),
amended

(3a) The officer or other person delivering the summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof. Payment of penalty

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387,
amended

7b. In addition to its powers set out in subsection 3 of section 710 of the *Criminal Code* (Canada) and notwithstanding subsection 1 thereof, where the defendant does not appear at the time and place appointed for the trial or resumption of the trial, the justice may adjourn the trial to a time and place determined by the justice. Adjournments
1953-54, c. 51 (Can.)

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Summary Convictions Amendment Act, 1971*. Short title

An Act to amend
The Summary Convictions Act

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

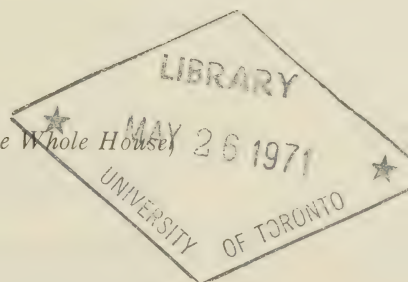
4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Summary Convictions Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The provision for the combined or uniform traffic ticket is rewritten to permit its use for offences other than traffic offences. The amendment also incorporates procedural improvements.

BILL 7

1971

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Summary Convictions Act*, as amended by section 1 of *The Summary Convictions Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 387, s. 7,
re-enacted

7.—(1) In addition to the procedure set out in the *Criminal Code* (Canada) for laying an information and for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic. Ticket
summons
1953-54,
c. 51 (Can.)

(2) A ticket under this section shall include provision for the information, summons, report and police record. Form of
ticket

(3) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the form of the ticket;
- (b) designating offences under provisions of Acts or regulations for the purposes of this section;
- (c) authorizing the use on a ticket of any word or expression to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic;
- (d) respecting any matter that he considers necessary to provide for the use of the ticket.

Where
payment
out of court

- (4) Where the offence charged in the ticket is one for which the penalty may be paid out of court as determined by the court in which the summons is returnable, the officer issuing the summons may enter the amount of the penalty fixed by the court in the place provided therefor on the ticket, and such entry constitutes the endorsement required by subsection 1 of section 7a.

Sufficiency of
abbreviations

- (5) The use on a ticket of any word or expression authorized by the regulations to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic is sufficient for all purposes to describe the offence designated by such word or expression.

Delivery of
summons

- (6) Upon completing a ticket, the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with an offence therein and delivery of the ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 6.

Idem

- (7) Delivery of a ticket summons under subsection 6 may be made on a holiday.

Proof of
delivery

- (8) The issuing officer shall sign the information portion of the ticket and certify that he personally delivered the summons portion of the ticket to the person accused therein and the certification shall be in the following words:—

"I certify that I did personally deliver the summons portion of this ticket to the accused on the date mentioned above."

Idem

- (9) A certificate of delivery purporting to be signed by the issuing officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.

Complaint
signed and
sworn

- (10) Every ticket information shall be,
- (a) signed by the informant and sworn to before a justice; and
 - (b) deposited, together with the ticket report of conviction, with the proper justice.

SECTION 2. The amendment prohibits the officer serving a summons from accepting payment of the amount payable out of court.

SECTION 3. The amendment permits to be done directly what is now practised indirectly, that is, for the accused to arrange for an adjournment to a convenient time and not appear as originally summoned.

- (11) The ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the ticket summons. Swearing of information

- (12) Where a justice makes a conviction on a ticket information in respect of an offence under a provision of an Act, regulation or by-law regulating traffic, he shall complete the ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 152 of *The Highway Traffic Act*. Report of conviction
R.S.O. 1960,
c. 172

2. Section 7a of *The Summary Convictions Act*, as enacted by section 3 of *The Summary Convictions Amendment Act, 1964*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 387, s. 7a
(1964, c. 113,
s. 3),
amended

- (3a) The officer or other person delivering the summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof. Payment of penalty

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 387,
amended

- 7b. In addition to its powers set out in subsection 3 of section 710 of the *Criminal Code* (Canada) and notwithstanding subsection 1 thereof, where the defendant does not appear at the time and place appointed for the trial or resumption of the trial, the justice may adjourn the trial to a time and place determined by the justice. Adjournments
1953-54,
c. 51 (Can.)

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commencement

- (2) Section 1 comes into force on the 1st day of October, 1971. Idem

5. This Act may be cited as *The Summary Convictions Amendment Act, 1971*. Short title

BILL 7

An Act to amend
The Summary Convictions Act

1st Reading

April 1st, 1971

2nd Reading

May 3rd, 1971

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

*(Reprinted as amended by the Committee of
the Whole House)*

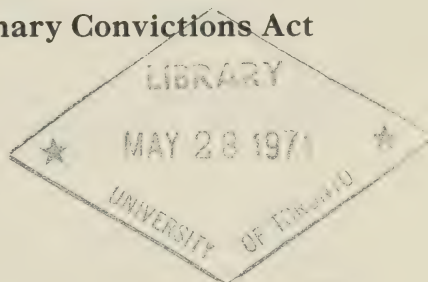
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BILL 7

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Summary Convictions Act

*Enacted
Bill*



THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 7

1971

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Summary Convictions Act*, as amended ^{R.S.O. 1960, c. 387, s. 7,} by section 1 of *The Summary Convictions Amendment Act, 1967*, ^{re-enacted} is repealed and the following substituted therefor:

- 7.—(1) In addition to the procedure set out in the ^{Ticket summons} *Criminal Code* (Canada) for laying an information and ^{1953-54, c. 51 (Can.)} for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic.
- (2) A ticket under this section shall include provision ^{Form of ticket} for the information, summons, report and police record.
- (3) The Lieutenant Governor in Council may make ^{Regulations} regulations,
- (a) prescribing the form of the ticket;
 - (b) designating offences under provisions of Acts or regulations for the purposes of this section;
 - (c) authorizing the use on a ticket of any word or expression to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic;
 - (d) respecting any matter that he considers necessary to provide for the use of the ticket.

Where
payment
out of court

- (4) Where the offence charged in the ticket is one for which the penalty may be paid out of court as determined by the court in which the summons is returnable, the officer issuing the summons may enter the amount of the penalty fixed by the court in the place provided therefor on the ticket, and such entry constitutes the endorsement required by subsection 1 of section 7a.

Sufficiency of
abbreviations

- (5) The use on a ticket of any word or expression authorized by the regulations to designate an offence under any provision of an Act or regulation designated by the regulations or of a municipal by-law regulating traffic is sufficient for all purposes to describe the offence designated by such word or expression.

Delivery of
summons

- (6) Upon completing a ticket, the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with an offence therein and delivery of the ticket summons in accordance herewith shall be deemed to be personal service in compliance with subsection 7 of section 6.

Idem

- (7) Delivery of a ticket summons under subsection 6 may be made on a holiday.

Proof of
delivery

- (8) The issuing officer shall sign the information portion of the ticket and certify that he personally delivered the summons portion of the ticket to the person accused therein and the certification shall be in the following words:—

“I certify that I did personally deliver the summons portion of this ticket to the accused on the date mentioned above.”

Idem

- (9) A certificate of delivery purporting to be signed by the issuing officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.

Complaint
signed and
sworn

- (10) Every ticket information shall be,
- (a) signed by the informant and sworn to before a justice; and
 - (b) deposited, together with the ticket report of conviction, with the proper justice.

(11) The ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the ticket summons. Swearing of information

(12) Where a justice makes a conviction on a ticket information in respect of an offence under a provision of an Act, regulation or by-law regulating traffic, he shall complete the ticket report of conviction and forward it to the Registrar of Motor Vehicles and it shall be deemed to be compliance with subsection 1 of section 152 of *The Highway Traffic Act*. Report of conviction
R.S.O. 1960,
c. 172

2. Section 7a of *The Summary Convictions Act*, as enacted by section 3 of *The Summary Convictions Amendment Act, 1964*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 387, s. 7a
(1964, c. 113,
s. 3),
amended

(3a) The officer or other person delivering the summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof. Payment of penalty

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 387,
amended

7b. In addition to its powers set out in subsection 3 of section 710 of the *Criminal Code* (Canada) and notwithstanding subsection 1 thereof, where the defendant does not appear at the time and place appointed for the trial or resumption of the trial, the justice may adjourn the trial to a time and place determined by the justice. Adjournments
1953-54,
c. 51 (Can.)

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 comes into force on the 1st day of October, 1971. Idem

5. This Act may be cited as *The Summary Convictions Amendment Act, 1971*. Short
title

An Act to amend
The Summary Convictions Act

1st Reading

April 1st, 1971

2nd Reading

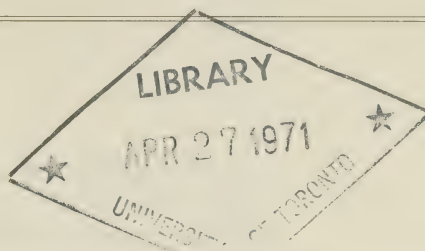
May 3rd, 1971

3rd Reading

May 11th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

MR. SINGER

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 8

1971

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agency" means an agency of the Government of Ontario;
- (b) "Commissioner" means the Commissioner of the Legislature appointed under this Act;
- (c) "department" means a department of the Government of Ontario;
- (d) "minister" means a member of the Executive Council.

2. There shall be appointed by the Lieutenant Governor in Council on the recommendation of the Assembly as an officer of the Legislature a commissioner, to be called the Commissioner of the Legislature, who shall exercise the powers and perform the duties specified in this Act.

Appoint-
ment

3. The Commissioner shall not be a member of the Assembly and shall not hold any office of trust or profit, other than his office as Commissioner, or engage in any occupation for reward outside the duties of his office.

To hold
no other
office

4.—(1) The recommendation for the appointment of the Commissioner shall be made in the first session of every Legislature.

Term of
office

**Re-appoint-
ment**

(2) Unless his office sooner becomes vacant, every person appointed as Commissioner shall hold office until his successor is appointed, and every such person may from time to time be re-appointed.

Resignation

(3) The Commissioner may at any time resign his office by a writing addressed to the Speaker of the Assembly or, if there is no Speaker or if the Speaker is absent from Ontario, to the Clerk of the Assembly.

**Removal
from office**

5.—(1) The Commissioner may at any time be removed or suspended from his office by the Lieutenant Governor in Council on the recommendation of the Assembly for disability, neglect of duty, misconduct or upon a bankruptcy.

**Suspension
when
Legislature
not in
session**

(2) At any time when the Legislature is not in session, the Commissioner may be suspended from his office by the Lieutenant Governor in Council for disability, neglect of duty, misconduct or upon a bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but any such suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

**Filling of
vacancy**

6.—(1) If the Commissioner dies, retires, resigns or is removed from office, the vacancy thereby created shall be filled in accordance with this section.

**When
Legislature
in session**

(2) If a vacancy in the office of Commissioner occurs at any time while the Legislature is in session, it shall be filled by the appointment of a Commissioner by the Lieutenant Governor in Council on the recommendation of the Assembly, but, if the vacancy occurs less than one month before the end of that session and no such recommendation is made in that session, subsection 3 applies as if the vacancy had occurred while the Legislature was not in session.

**When
Legislature
not in
session**

(3) If such a vacancy occurs at any time while the Legislature is not in session, the Lieutenant Governor in Council may appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the Assembly, and, if the appointment is not so confirmed within two months after the commencement of the next ensuing session, the appointment lapses, and there shall be deemed to be another vacancy in the office of Commissioner.

**Oath of
office**

7.—(1) Before entering upon his duties, the Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office and that he will not, except in accordance with subsection 3 of section 16, divulge any information received by him under this Act.

(2) The oath shall be administered by the Speaker of the ^{Idem} Assembly or by the Clerk of the Assembly.

8.—(1) Subject to subsection 2, the Commissioner may ^{Staff} appoint such officers and employees as may be necessary for the efficient carrying out of his functions under this Act.

(2) The number of persons that may be appointed under ^{Idem} this section, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Lieutenant Governor in Council.

9.—(1) The principal function of the Commissioner is to ^{Functions} investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any Act.

(2) The Commissioner may make any such investigation ^{Initiation of investigation} either on a complaint made to him by any person or of his own motion, and he may commence any such investigation notwithstanding that the complaint may not on its face be against any such decision, recommendation, act or omission as aforesaid.

(3) Without limiting subsection 1, any committee of the ^{Referrals by committees} Assembly may at any time refer to the Commissioner, for investigation and report by him, any petition that is before that committee for consideration or any matter to which the petition relates, and, in any such case, the Commissioner shall, subject to any special directions of the committee, investigate the matters so referred to him so far as they are within his jurisdiction and make such report to the committee as he thinks fit, but nothing in section 12, 17 or 18 applies in respect of any investigation or report made under this subsection.

(4) The powers and duties conferred on the Commissioner ^{Powers and duties paramount} by this Act may be exercised and performed notwithstanding any provision in any Act to the effect that any decision, recommendation, act or omission mentioned in subsection 1 is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

(5) Nothing in this Act authorizes the Commissioner to ^{Areas outside jurisdiction} investigate,

(a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, whether or not that right of appeal or objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired; or

(b) any decision, recommendation, act or omission of any person acting as a solicitor for the Crown or acting as counsel for the Crown in relation to any proceedings.

Determina-
tion of
jurisdiction

(6) If any question arises as to whether the Commissioner has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guide
rules

10.—(1) The Assembly may from time to time, if it thinks fit, make general rules for the guidance of the Commissioner in the exercise of his functions, and may at any time in like manner revoke or vary any such rules.

Publication
of reports

(2) Any such rules may authorize the Commissioner from time to time, in the public interest or in the interests of any person or department or agency, to publish reports relating generally to the exercise of his functions under this Act or to any particular case or cases investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report to the Assembly under this Act.

Publication
of rules

(3) All such rules shall be printed and published.

Mode of
complaint

11.—(1) Every complaint to the Commissioner shall be made in writing.

Letters
to be
forwarded

(2) Notwithstanding any Act, where a letter written by any person in custody on a charge or after conviction of any offence, or by any inmate of any private sanitarium within the meaning of *The Private Sanitaria Act* or an institution within the meaning of *The Mental Hospitals Act*, is addressed to the Commissioner, it shall be immediately forwarded, unopened, to the Commissioner by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is an inmate.

R.S.O. 1960.
cc. 307, 236

Commis-
sioner may
refuse to
investigate
complaint

12.—(1) If in the course of the investigation of any complaint it appears to the Commissioner,

- (a) that under the law or existing administrative practice there is an adequate remedy, other than the right to petition the Legislature, for the complainant, whether or not he has availed himself of it; or
- (b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Act, the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commissioner, or if in his opinion,

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall inform the complainant of his decision, and he may, if he thinks fit, state his reasons therefor.

13.—(1) Before investigating any matter under this Act, the Commissioner shall inform the deputy minister of the department affected, or, as the case may require, the administrative head of the agency affected, of his intention to make the investigation. ^{Notice of investigation}

(2) Every investigation by the Commissioner under this Act shall be conducted in private. ^{In private}

(3) The Commissioner may hear or obtain information from such persons as he thinks fit, and he may make such inquiries as he thinks fit. ^{Information}

(4) It is not necessary for the Commissioner to hold any hearing and no person is entitled as of right to be heard by the Commissioner, but, if at any time during the course of an investigation it appears to the Commissioner that there ^{Hearings}

may be sufficient grounds for his making a report or recommendation that may adversely affect any department, agency or person, he shall give to that department, agency or person an opportunity to be heard, and at any such hearing the department, agency or person is entitled to counsel.

Consultations

(5) The Commissioner may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Idem

(6) On the request of any minister in relation to an investigation or in any case where an investigation relates to any recommendation made to a minister, the Commissioner shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 17.

Misconduct

(7) If, during or after any investigation, the Commissioner is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department or agency, he shall refer the matter to the appropriate authority.

Regulation of procedure

(8) Subject to this Act and any rules made under section 10, the Commissioner may regulate his procedure in such manner as he thinks fit.

Evidence

14.—(1) Subject to this section and section 15, the Commissioner may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by him to furnish to him any such information and to produce any such document, paper or thing that in his opinion relates to any such matter and that may be in the possession or under the control of such person, whether or not such person is an officer, employee or member of a department or agency, and whether or not such document, paper or thing is in the custody or under the control of any such department or agency.

Power to take evidence on oath

(2) The Commissioner may summon before him and examine on oath,

(a) any person who is an officer or employee or member of any department or agency and who in the Commissioner's opinion is able to give any information mentioned in subsection 1;

(b) any complainant; or

(c) with the prior approval of the Minister of Justice

and Attorney General in each case, any other person who in the Commissioner's opinion is able to give such information,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by any Act to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Commissioner in relation to that matter, or to produce to the Commissioner any document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure. ^{Duty to maintain secrecy paramount}

(4) With the prior consent in writing of a complainant, any person to whom subsection 3 applies may be required by the Commissioner to supply information or answer any question or produce any document, paper or thing relating only to the complainant, and it is duty of the person to comply with such requirement. ^{Idem}

(5) Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents, papers and things under this Act as witnesses have in any court. ^{Privilege}

(6) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Commissioner is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person. ^{Evidence not admissible elsewhere}

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with any requirement of the Commissioner under this section. ^{No prosecution}

15.—(1) Where the Minister of Justice and Attorney General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of, ^{Disclosure of certain matters not to be required}

- (a) the deliberations of the Executive Council; or
- (b) proceedings of the Executive Council, or any committee thereof, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Commissioner shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced, but shall report the giving of such a certificate to the Legislature.

Rule as to
privileged
documents,
etc., does
not apply

(2) Subject to subsection 1, the rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure of the document, paper or thing or the answering of the question would be injurious to the public interest, does not apply in respect of any investigation by or proceedings before the Commissioner.

Secrecy

16.—(1) The Commissioner and every person holding any office or appointment under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

Oath

(2) Every person holding any office or appointment under the Commissioner shall, before he begins to perform his duties under this Act, take an oath, to be administered by the Commissioner, that he will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

Exception

(3) Notwithstanding subsection 1, the Commissioner may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Procedure
after
investigation

17.—(1) This section applies in every case where, after making any investigation under this Act, the Commissioner is of opinion that the decision, recommendation, act or omission that was the subject-matter of the investigation,

(a) appears to have been contrary to law;

(b) was unreasonable, unjust, oppressive, improperly discriminatory or was, in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory;

(c) was based wholly or partly on a mistake of law or fact; or

(d) was wrong.

Idem

(2) This section also applies in any case where the Commissioner is of opinion that in the making of the decision or

recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Commissioner is of opinion, Opinion, etc., to be reported to department

- (a) that the matter should be referred to the appropriate authority for further consideration ;
- (b) that the omission should be rectified ;
- (c) that the decision should be cancelled or varied ;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered ;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered ;
- (f) that reasons should have been given for the decision ;
or
- (g) that any other steps should be taken,

the Commissioner shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency concerned, and may make such recommendations as he thinks fit, and in any such case he may request the department or agency to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations.

(4) If within a reasonable time after the report is made no action is taken that seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency affected, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may thereafter make such report to the Legislature on the matter as he thinks fit. Report to Cabinet and Assembly

(5) The Commissioner shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the department or agency concerned. Idem

Comment
adverse
to person

(6) Notwithstanding anything in this section, the Commissioner shall not, in any report made under this Act, make any comment that is adverse to any person unless the person has been given an opportunity to be heard.

Complainant
to be
informed of
result of
investigation

18.—(1) Where on any investigation under this Act the Commissioner makes a recommendation under subsection 3 of section 17 and no action that seems to the Commissioner to be adequate and appropriate is taken thereon within a reasonable time, the Commissioner shall inform the complainant of his recommendation and make such comments on the matter as he thinks fit.

Idem

(2) The Commissioner shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Private
clause

19. No proceedings of the Commissioner shall be held bad for want of form and, except on the ground of lack of jurisdiction, no proceedings or decision of the Commissioner shall be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

20.—(1) No proceedings lie against the Commissioner or against any person holding any office or appointment under the Commissioner for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Not
compellable
as witnesses

(2) Neither the Commissioner nor any person holding any office or appointment under the Commissioner shall be called upon to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Privilege

(3) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Idem
R.S.O. 1960,
c. 211

(4) For the purposes of *The Libel and Slander Act*, any report made by the Commissioner under this Act shall be deemed to be privileged, and a fair and accurate report in a newspaper or a broadcast shall be deemed to be privileged.

Power
to enter
premises

21.—(1) For the purposes of this Act but subject to this section, the Commissioner may at any time enter upon any premises occupied by any department or agency and inspect the premises and, subject to sections 14 and 15, carry out therein any investigation that is within his jurisdiction.

(2) Before entering upon any such premises, the Commissioner shall notify the deputy minister of the department or, as the case may require, the administrative head of the agency that occupies the premises of his intention so to do. Notice

22.—(1) With the prior approval of the Lieutenant Governor in Council, the Commissioner may from time to time, by writing under his hand, delegate to any person holding any office under him any of his powers under this Act, except this power of delegation and the power to make any report under this Act. Delegation of powers

(2) Any such delegation may be made to a specified person or to the holder for the time being of a specified office or to the holders of offices of a specified class. To whom powers may be delegated

(3) Every such delegation is revocable at will, and no such delegation prevents the exercise of any power by the Commissioner. Delegations revocable

(4) Any such delegation may be made subject to such restrictions and conditions as the Commissioner thinks fit, and may be made either generally or in relation to any particular case or class of cases. Scope of delegations

(5) Until any such delegation is revoked, it continues in force according to its tenor and, in the event of the Commissioner by whom it was made ceasing to hold office, continues to have effect as if made by his successor. Life of delegations

(6) Any person purporting to exercise any power of the Commissioner by virtue of such a delegation shall, when required to do so, produce evidence of his authority to exercise the power. Evidence of delegated powers

23. Without limiting his right to report at any other time, but subject to subsection 6 of section 17 and to any rules made under section 10, the Commissioner shall in each year make a report to the Legislature on the exercise of his functions under this Act. Annual report

24. Every person commits an offence against this Act and is liable on summary conviction to a fine of not more than \$500 who, Offences

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Commissioner or any other person in the exercise of his powers under this Act;

- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his powers under this Act.

Provisions
are in
addition
to other
laws

25. The provisions of this Act are in addition to the provisions of any other Act or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Short title

26. This Act may be cited as *The Commissioner of the Legislature Act, 1971*.

An Act to provide for the Appointment
of a Commissioner to investigate Admin-
istrative Decisions and Acts of Officials of
the Government of Ontario and its Agencies,
and to define the Commissioner's Powers
and Duties

1st Reading

April 1st, 1971

2nd Reading

3rd Reading

MR. SINGER

(*Private Member's Bill*)

CA20N

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-B56

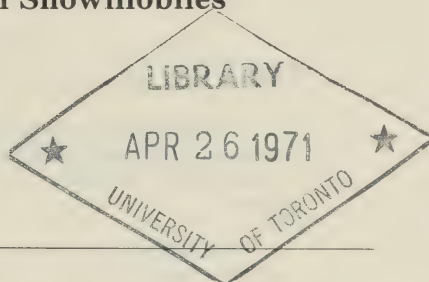
BILL 9

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Publication

**An Act to provide for the
Control and Regulation of Snowmobiles**



MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The purpose of the Bill is to regulate the operation of snowmobiles.

The Bill prohibits the operation of a snowmobile on the travelled portion of a highway except for the purpose of crossing the highway and prohibits the operation of a snowmobile in a manner dangerous to the public.

The Bill also provides for the holding of snowmobile races or derbies within municipalities.

BILL 9

1971

An Act to provide for the Control and Regulation of Snowmobiles

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "highway" includes a common and public highway, street and bridge intended for or used by the general public;
- (b) "municipality" means a locality the inhabitants of which are incorporated;
- (c) "snowmobile" means a motorized, self-propelled vehicle intended primarily for travel on snow or ice.

2.—(1) No person shall operate a snowmobile upon a highway. Snowmobiles
prohibited
on highways

(2) Notwithstanding subsection 1, a snowmobile may be driven across a highway that is not divided into more than three lanes for traffic provided that the snowmobile is brought to a complete stop before crossing any of the lanes for traffic and the driver of the snowmobile yields the right-of-way to all traffic on the highway that might constitute a hazard. May be
driven
across
highway

(3) Notwithstanding subsection 1, a snowmobile may be driven on any part of a highway that is separated from the lanes for traffic by a drainage ditch provided that the highway is not divided into more than three lanes for traffic. May be
driven
outside
ditch

(4) When driven across a highway or on any part of a highway under subsection 2 or 3 from one-half hour after Lights on
snowmobiles

sunset to one-half hour before sunrise every snowmobile shall carry a lighted lamp on the front that shall cast a white light only, and one on the back that shall cast a red light only.

Snowmobile
derbies

3.—(1) A municipality may temporarily close a highway within the municipality in order to permit the holding of a snowmobile race or derby.

Not to
affect
King's
Highway

(2) Notwithstanding subsection 1, no part of the King's Highway or any highway that intersects or runs into the King's Highway shall be closed under subsection 1.

Notice

(3) Where a highway is temporarily closed by a municipality under subsection 1, the municipality shall give written notice of the closing to the chief of police or the chairman of the board of commissioners of police, as may be applicable, of the municipality and to the Minister of Justice and Attorney General.

Contents
of notice

(4) A notice under subsection 3 shall be delivered not less than one week prior to the date of the closing of the highway and shall state the date, length of time and purpose of the closing and the name and location of the highway to be closed.

Police
action

(5) The chief of police or the board of commissioners of police, as the case may be, upon receipt of the notice under subsection 3 shall take all steps necessary to provide for the protection of persons and property and the regulation of traffic as a result of the temporary closing and the holding of the snowmobile race or derby.

Municipality
not liable

(6) Where a municipality complies with the requirements of this section, the municipality shall not be held liable for any loss or damage arising out of the closing or any snowmobile race or derby held in connection therewith.

Age
restriction

4.—(1) No person under the age of twelve years shall drive a snowmobile across a highway.

Idem

(2) Notwithstanding subsection 1, no person under the age of sixteen years shall drive a snowmobile across any part of the King's Highway or any highway that intersects or runs into the King's Highway.

Fire-arm
restricted

5.—(1) No person shall have a fire-arm on a snowmobile unless the fire-arm is unloaded and contained in a carrying-case.

Bow
restricted

(2) No person shall have a bow on a snowmobile unless the bow is unstrung or contained in a carrying-case.

6. No person shall use a snowmobile for the purpose ^{Hunting} of driving or pursuing any deer or bear or wolf.

7. No person shall permit the operation of a snowmobile ^{Permitting operation by impaired person prohibited} by a person whose ability to operate a snowmobile is impaired by reason of age, physical or mental disability, alcohol or a drug.

8. No person shall drive a snowmobile, Offences

- (a) at a rate of speed greater than reasonable under the circumstances;
- (b) without due care and attention or without reasonable consideration for other persons or property;
- (c) while under the influence of alcohol or a drug;
- (d) in a manner that creates an excessive or unusual level of motor or exhaust noise; or
- (e) unless it is equipped with a muffler in good working order and in constant operation.

9. Every person who contravenes any provision of this Act ^{Penalty} is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$100; and, for the second contravention of the same provision within one year from the date of the first offence, to a fine of not less than \$100 and not more than \$500.

10. No snowmobile may be operated at a noise level ^{Noise level} greater than 86 decibels measured at 50 feet from the machine.

11. This Act comes into force on a day to be named by ^{Commence-ment} the Lieutenant Governor by his proclamation.

12. This Act may be cited as *The Snowmobile Regulation* ^{Short title} Act, 1971.

BILL 9

An Act to provide for
the Control and Regulation of Snowmobiles

1st Reading

April 1st, 1971

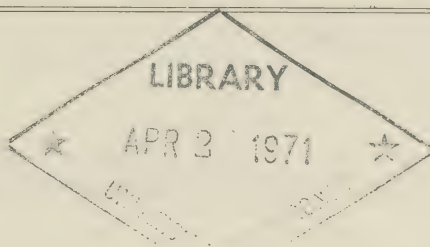
2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Farm Products Marketing Act, 1971

THE HON. WM. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment authorizes The Farm Products Marketing Board to make regulations vesting in any local board the power to make regulations respecting seizure and detention of a regulated product and in respect thereof prescribes powers and duties of local boards and their officers.

BILL 10

1971

An Act to amend The Farm Products Marketing Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 137,
amended

12b.—(1) The Board may make regulations vesting in any local board the power to make regulations, Regulations
vesting
power
in local
board to
make
regulations

(a) providing for the seizure and detention of the whole or any part of any regulated product or any class, variety, grade or size thereof by any person appointed pursuant to clause *e* of subsection 1 of section 4 where the person believes on reasonable grounds an offence against the Act or the regulations has been committed in respect of the regulated product;

(b) providing for the release from detention of the whole or any part of any regulated product or any class, variety, grade or size thereof where the local board is satisfied that the owner of the regulated product that has been seized and detained complies with the Act and the regulations respecting the regulated product;

(c) providing for the disposal of the whole or any part of any regulated product or any class, variety, grade or size thereof that has been seized and detained and providing for the administration and disposition of any moneys derived from any such disposal; and

- (d) prescribing the manner in which the regulated product shall be seized, detained, released and disposed of.

Regulated
product
seized and
detained at
use and
expense
of owner
Notice

- (2) Any regulated product seized and detained under this section is seized and detained at the risk and expense of the owner.
- (3) Where any regulated product is seized and detained under this section, the local board shall forthwith notify the owner or person who had possession of the regulated product of the seizure and detention, any release from detention and any disposal of the regulated product.

Powers of
inspector

- (4) Where the local board makes a regulation under subsection 1, a person appointed pursuant to clause e of subsection 1 of section 4 may,
- (a) enter any vessel, boat, car, truck or other conveyance or any premises, other than a dwelling, used for the producing, marketing or processing of the regulated product and inspect any of the regulated product found therein;
- (b) stop any conveyance that he believes to contain any of the regulated product and inspect the conveyance and any of the regulated product found therein; and
- (c) obtain a sample of any of the regulated product at the expense of the owner for the purpose of making an inspection thereof.

Marketing of
detained
product
prohibited

- (5) No person shall, without approval in writing by the local board, market a regulated product that is under detention.

Approval
by Board

- (6) No regulation made by a local board under subsection 1 comes into force until it has been approved by the Board.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1971*.

An Act to amend
The Farm Products Marketing Act

1st Reading

April 5th, 1971

2nd Reading

3rd Reading

THE HON. WM. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 10

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Farm Products Marketing Act

THE HON. WM. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 10

1971

**An Act to amend
The Farm Products Marketing Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 137,
amended

12b.—(1) The Board may make regulations vesting in any local board the power to make regulations, Regulations
vesting
power
in local
board to
make
regulations

- (a) providing for the seizure and detention of the whole or any part of any regulated product or any class, variety, grade or size thereof by any person appointed pursuant to clause *e* of subsection 1 of section 4 where the person believes on reasonable grounds an offence against the Act or the regulations has been committed in respect of the regulated product;
- (b) providing for the release from detention of the whole or any part of any regulated product or any class, variety, grade or size thereof where the local board is satisfied that the owner of the regulated product that has been seized and detained complies with the Act and the regulations respecting the regulated product;
- (c) providing for the disposal of the whole or any part of any regulated product or any class, variety, grade or size thereof that has been seized and detained and providing for the administration and disposition of any moneys derived from any such disposal; and

- (d) prescribing the manner in which the regulated product shall be seized, detained, released and disposed of.

Regulated
product
seized and
detained at
use and
expense
of owner
Notice

- (2) Any regulated product seized and detained under this section is seized and detained at the risk and expense of the owner.
- (3) Where any regulated product is seized and detained under this section, the local board shall forthwith notify the owner or person who had possession of the regulated product of the seizure and detention, any release from detention and any disposal of the regulated product.

Powers of
inspector

- (4) Where the local board makes a regulation under subsection 1, a person appointed pursuant to clause e of subsection 1 of section 4 may,

(a) enter any vessel, boat, car, truck or other conveyance or any premises, other than a dwelling, used for the producing, marketing or processing of the regulated product and inspect any of the regulated product found therein;

(b) stop any conveyance that he believes to contain any of the regulated product and inspect the conveyance and any of the regulated product found therein; and

(c) obtain a sample of any of the regulated product at the expense of the owner for the purpose of making an inspection thereof.

Marketing of
detained
product
prohibited

- (5) No person shall, without approval in writing by the local board, market a regulated product that is under detention.

Approval
by Board

- (6) No regulation made by a local board under subsection 1 comes into force until it has been approved by the Board.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1971*.

An Act to amend
The Farm Products Marketing Act

1st Reading

April 5th, 1971

2nd Reading

April 15th, 1971

3rd Reading

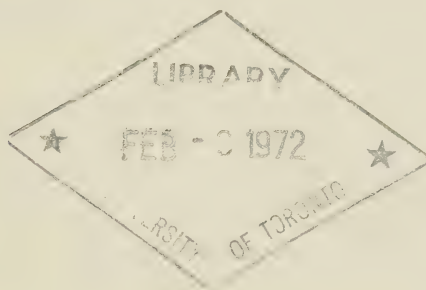
April 15th, 1971

THE HON. W.M. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The University of Toronto Act, 1947

MR. BEN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 11

1971

An Act to amend The University of Toronto Act, 1947

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The University of Toronto Act, 1947* is amended by adding ^{1947, c. 112, amended} thereto the following sections:

3a. Notwithstanding any other provision of this Act, ^{Human rights} the provisions of *The Ontario Human Rights Code, 1961-62* apply to the University and its officers, ^{1961-62, c. 93} servants and employees.

3b. The University and every university federated with ^{Pluralism} the University shall recognize the pluralistic nature of the social structure in Ontario.

2.—(1) Subsection 1 of section 7 of *The University of Toronto Act, 1947* is repealed and the following substituted ^{1947, c. 112, s. 7, subs. 1, re-enacted} therefor:

(1) No religious test shall be required of any professor, ^{Religious tests, etc., not required} lecturer, teacher, officer or servant of the University, University College or any university federated with the University, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them.

(2) Subsection 2 of the said section 7 is repealed. ^{1947, c. 112, s. 7, subs. 2, repealed}

3. Section 18 of *The University of Toronto Act, 1947* is ^{1947, c. 112, s. 18, re-enacted} repealed and the following substituted therefor:

18. No person is ineligible for appointment as a member ^{Disqualifications} of the Board because of race, creed or colour, provided that he is a Canadian citizen and his customary place of residence is in Ontario.

1947, c. 112,
s. 31, cl. b,
subcl. i,
repealed

4. Subclause i of clause b of section 31 of *The University of Toronto Act, 1947* is repealed.

1947, c. 112,
s. 32, cl. a
(1959, c. 103,
s. 6, subs. 1),
amended

5.—(1) Clause a of section 32 of *The University of Toronto Act, 1947*, as re-enacted by subsection 1 of section 6 of *The University of Toronto Amendment Act, 1959*, is amended by striking out “and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board” in the thirteenth, fourteenth and fifteenth lines, so that the clause shall read as follows:

Appointment
of President,
deans,
professors,
etc.

- (a) appoint the President, the Vice-President, the Vice-President (Administration), the deans of all the faculties, the Librarian, the Registrar, the Comptroller, the Secretary of the Board and the Superintendent of the University, the Principal and the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College, or either of them, and fix their salaries or remuneration and define their duties, except those of the Librarian; but no person shall be appointed as Principal of University College, or as a dean of any faculty, or as a member of the teaching staff of the University, or of any faculty or school thereof, or of University College, unless he has been first nominated by the President, and no dean of a faculty or member of the teaching staff of the University, or of any faculty or school thereof, or of University College shall be promoted, and no Principal of University College or dean of a faculty or member of such teaching staff shall be removed from office, except upon the recommendation of the President, but this provision shall not apply where there is a vacancy in the office of President.

1947, c. 112,
s. 32,
amended

(2) The said section 32, as amended by section 6 of *The University of Toronto Amendment Act, 1959*, is further amended by striking out “and” at the end of clause v and by adding thereto the following clauses:

Power to
require
reports by
consultants

- (x) cause to be reported annually by all members of the teaching staff of the University to the Office of Research Administration information as to their activities as consultants to persons who are not members of the teaching staff, setting out,

- (i) the names of clients, except private patients,

- (ii) the subject-matter of consultation or investigation, and
- (iii) the total time spent or money earned, or both as the guidelines established by the Research Board or its successor may require, in the year under report; and
- (v) alone establish or terminate new institutions or structures that lie outside the traditional departmental and faculty organizations of the University. Power to establish or terminate new institutions

6. *The University of Toronto Act, 1947* is amended by adding 1947, c. 112, amended thereto the following section:

32a.—(1) Notwithstanding any other provisions of this Act, the Board shall, in the interest of the preservation and dissemination of Canadian cultural values, maintain the following guidelines in its hiring policies and shall report in writing to the Minister of University Affairs not later than the 31st day of December, 1975, as to its compliance with the guidelines: Guidelines for hiring policies

1. Not later than the 31st day of December, 1973, a majority of the teaching staff of the Canadian History, Canadian Literature, Canadian Political Science and Canadian Studies programs shall be Canadian citizens.
2. Not later than the 31st day of December, 1974, a majority of the teaching staff of each department of the University shall be Canadian citizens.
3. Not later than the 31st day of December, 1975, two-thirds of the teaching staff of the Canadian History, Canadian Literature, Canadian Political Science and Canadian Studies programs shall be Canadian citizens.

- (2) Notwithstanding any other provisions of this Act, the Board shall not acquire, hold, use or develop any right or interest in relation to artifacts or processes of chemical or biological warfare, weapons of military offence or intelligence, including military espionage satellites, their component parts or launch vehicles, or materials detrimental to ecological balance or human survival. Board not to acquire or develop military weapons

Research
records

- (3) The Office of Research Administration of the University shall keep records of the activities of staff of the University in research in order that a complete, accurate and current picture of research in the University is available for distribution at all times, setting out for each item of research,

- (i) the name of the funding agency and the amount of the grant,
- (ii) the subject-matter of the research, and
- (iii) the name of the principal investigator and the department of which he is a member,

and the records shall be available for public inspection and distribution, but the Research Board, or its successor, of the University may for cause, and by majority vote, impose restrictions on the public inspection and distribution of the records as to any item of research.

1947, c. 112,
s. 33,
amended

7. Section 33 of *The University of Toronto Act, 1947*, as amended by section 2 of *The University of Toronto Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Council and
committee
meetings to
be open

- (2) The Board shall cause all meetings of councils and committees of the University to be open to the public, provided that the members of a council or committee may, after a statement of the reasons therefor and upon majority vote of the members present at the meeting, hold the whole or part of any meeting *in camera*.

1947, c. 112,
s. 34,
subs. 1-3,
re-enacted

8.—(1) Subsections 1, 2 and 3 of section 34 of *The University of Toronto Act, 1947* are repealed and the following substituted therefor:

Representa-
tion of
students

- (1) The Board shall make provision for enabling the students of the University, University College and the federated universities and federated colleges to elect representatives to all decision-making bodies of the University community, on the basis of parity formulae acceptable to the University community as a whole.

Communica-
tion between
students and
Board

- (2) Communication between students and the Board shall be achieved through the full and equal

participation of the student body in the decision-making processes and structures of the University community.

- (3) The Board shall cause to be set up departmental mechanisms and other means whereby the improved sense of community within the University envisioned by the Commission on the Government of the University of Toronto, 1970, shall become effective; and, saving individual rights, nothing shall take away or impair the right of any student to make written complaint directly to the Board on any matter as to which he may deem himself entitled to complain and the Board shall give consideration to such complaints and furnish a written reply thereto within a reasonable period of time. Departmental mechanisms

(2) Subsection 4 of the said section 34 is amended by adding at the end thereof "except that similar principles of equity shall apply". 1947, c. 112,
s. 34, subs. 4,
amended

9. Section 35 of *The University of Toronto Act, 1947* is amended by adding thereto the following subsection: 1947, c. 112,
s. 35,
amended

- (3) The Board shall, on behalf of the University community, refuse any bequest or endowment whose terms or conditions contravene the principles or spirit of *The Ontario Human Rights Code, 1961-62*. Refusal of endowment
1961-62,
c. 93

10.—(1) Clause *c* of section 48 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112,
s. 48, cl. c,
repealed

(2) Clause *t* of the said section 48 is amended by adding at the end thereof "and the recommendations of the Commission on the Government of the University of Toronto, 1970, including the transition process whereby the Senate shall give place to a unicameral body by integration with the Board to form the Governing Council envisaged by the Commission not later than the 31st day of December, 1975", so that the clause shall read as follows: 1947, c. 112,
s. 48, cl. t,
amended

- (*t*) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act and the recommendations of the Commission on the Government of the University of Toronto, 1970, including the transition process whereby the Senate shall give place to a unicameral body by integration with Recommendations to Board

the Board to form the Governing Council envisaged by the Commission not later than the 31st day of December, 1975.

1947, c. 112,
s. 62
(1955, c. 90,
s. 4),
subs. 2,
re-enacted

11. Subsection 2 of section 62 of *The University of Toronto Act, 1947*, as re-enacted by section 4 of *The University of Toronto Amendment Act, 1955* and amended by subsection 1 of section 10 of *The University of Toronto Amendment Act, 1959*, is repealed and the following substituted therefor:

Who
eligible

- (2) No person shall be ineligible to occupy the office of Chancellor because of his race, creed or colour, provided that he is a Canadian citizen by birth or naturalization and his customary place of residence is in Ontario.

1947, c. 112,
s. 68,
re-enacted

12. Section 68 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

The Council
of the
Faculty of
Arts and
Science

- 68.—(1) There shall be a council to be known as “The Council of the Faculty of Arts and Science”, referred to in this section as “the Council”.

Composition,
size and
membership

- (2) The composition, size and membership of the Council shall be determined by the University community on the basis of equity and in accordance with the recommendations of the Commission on the Government of the University of Toronto, 1970.

Effective
date

- (3) The Council shall supersede The Council of the Faculty of Arts on or before the 31st day of December, 1975.

Other
councils

- (4) Councils shall be established in the other faculties of the University on or before the 31st day of December, 1975, in a manner that is compatible with the recommendations of the Commission referred to in subsection 2.

1947, c. 112,
s. 79, subs. 1,
amended

13.—(1) Subsection 1 of section 79 of *The University of Toronto Act, 1947* is amended by adding at the end thereof “in accordance with the principles of equity and due process”, so that the subsection shall read as follows:

Disciplinary
jurisdiction
of governing
bodies

- (1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or

occurring in or upon their respective college buildings and grounds, including residences in accordance with the principles of equity and due process.

(2) Subsection 3 of the said section 79 is amended by ^{1947, c. 112, s. 79, subs. 3, amended} striking out "or by general regulation" in the fifth line, so that the subsection shall read as follows:

- (3) In all other cases, as respects all students of the ^{Disciplinary jurisdiction of Caput} University, University College and the federated universities and colleges, disciplinary jurisdiction shall be vested in the Caput, but the Caput may delegate its authority in any particular case to the council or other governing body of the university, college, faculty or school to which the student belongs.

14. Subsection 1 of section 80 of *The University of Toronto Act, 1947* is amended by striking out "to impose fines" in the ^{1947, c. 112, s. 80, subs. 1, amended} second line, so that the subsection shall read as follows:

- (1) Disciplinary jurisdiction under section 79 shall include ^{Punishments} power to suspend and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.

15. Section 82 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor: ^{1947, c. 112, s. 82, re-enacted}

82. A student shall have the right to appeal to the Board ^{Right of appeal} from any punishment awarded against him; and shall not, by virtue of his being a student of the University, surrender any further civil or other rights which he may enjoy under law to proceed with due process for the redress of any damage against his person, property or future career, or any other matter.

16. Section 83 of *The University of Toronto Act, 1947* is repealed. ^{1947, c. 112, s. 83, repealed}

17. Subsection 3 of section 119 of *The University of Toronto Act, 1947*, as re-enacted by section 12 of *The University of Toronto Amendment Act, 1959*, is amended by inserting after ^{1947, c. 112, s. 119 (1959, c. 103, s. 12), amended} "students" in the first line "including extension students", so that the subsection shall read as follows:

- (3) All occasional and graduate students including ^{Occasional, graduate and extension students} extension students shall also be registered in the University.

18. *The University of Toronto Act, 1947* is amended by ^{1947, c. 112, amended} adding thereto the following section:

Department
of Extension
dissolved

123.—(1) Effective the 1st day of September, 1975, the Department of Extension is dissolved and the extension and day students shall be members of the University community without distinction between them.

Extension
students

(2) A student who is enrolled in the Department of Extension on the 31st day of August, 1975,

(a) shall not be compelled to leave the University because of shortage of space or teaching staff; and

(b) upon graduation shall be granted the appropriate degree of the University.

Commence-
ment and
repeal

19. This Act comes into force on the day it receives Royal Assent and is repealed on the 31st day of March, 1976.

Short title

20. This Act may be cited as *The University of Toronto Amendment Act, 1971*.

An Act to amend
The University of Toronto Act, 1947

1st Reading

April 5th, 1971

2nd Reading

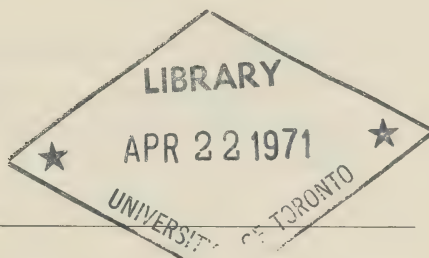
3rd Reading

MR. BEN

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Highway Traffic Act



MR. YOUNG

EXPLANATORY NOTE

The Bill provides for various bumper standards that are to be introduced into the automobile industry by the 1st day of January, 1975.

BILL 12

1971

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 172,
amended

46a.—(1) Every passenger motor vehicle that is sold in Ontario and manufactured or assembled after the 1st day of January, 1973, shall when sold, be equipped with front and rear bumpers such that it can be driven either forward or in reverse directly into an appropriate test barrier at a speed up to and including five miles per hour without causing bodily injury to any occupant or damage to the passenger motor vehicle.

Bumper
require-
ments

(2) Every passenger motor vehicle that is sold in Ontario and manufactured or assembled after the 1st day of January, 1975, shall when sold, be equipped with front and rear bumpers such that it can be driven either forward or in reverse directly into an appropriate test barrier at a speed up to and including ten miles per hour without causing bodily injury to any occupant or damage to the passenger motor vehicle.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1971*.

Short title

An Act to amend
The Highway Traffic Act

1st Reading

April 5th, 1971

2nd Reading

3rd Reading

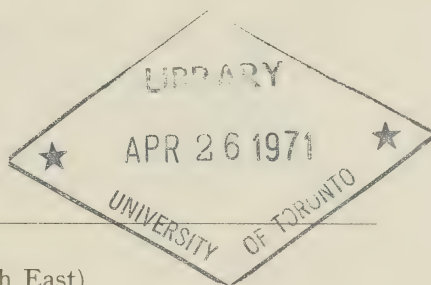
MR. YOUNG

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Landlord and Tenant Act



MR. REID (Scarborough East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to prohibit landlords of residential premises from shutting off the supply of electricity to their tenants.

BILL 13

1971

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Landlord and Tenant Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 206,
amended

85a. No landlord and no person acting under the control of a landlord shall shut off, disconnect or interfere with the supply of electricity to residential premises occupied by a tenant. Landlord
not to
disconnect
electricity

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Landlord and Tenant Amendment Act, 1971*. Short
title

An Act to amend
The Landlord and Tenant Act

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

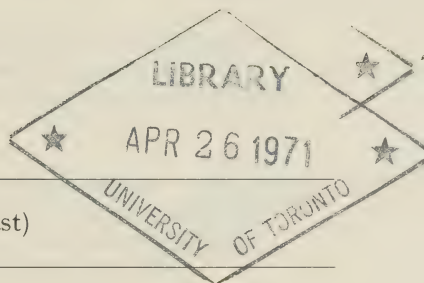
MR. REID (Scarborough East)

(*Private Member's Bill*)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Utilities Act

MR. REID (Scarborough East)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to add to the Act the provision that a corporation supplying electrical power cannot permit a landlord to shut off the supply of electrical power to residential premises occupied by a tenant.

BILL 14

1971

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Utilities Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 335,
amended

55a.—(1) In this section, “landlord”, “residential premises” and “tenant” mean landlord, residential premises and tenant, respectively, as defined in *The Landlord and Tenant Act*. Interpre-
tation
R.S.O. 1960,
c. 206

(2) A corporation shall not permit or agree to permit a landlord or any person acting under the control of a landlord to shut off, disconnect or interfere with the supply of electrical power to residential premises occupied by a tenant. Corporation
not to permit
landlord
shut off
electricity

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Utilities Amendment Act, 1971*. Short title

An Act to amend
The Public Utilities Act

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. REID (Scarborough East)

(Private Member's Bill)

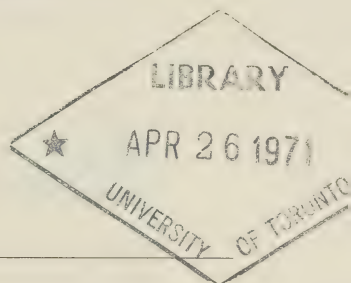
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BILL 15

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Landlord and Tenant Act



MR. DEANS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides for a standard form of lease that cannot be departed from.

Subsection 2. The amendment provides for a Rental Review Board with power to determine the amount of rent in individual cases where an increase is demanded.

BILL 15

1971

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Part IV of *The Landlord and Tenant Act*, as enacted by section 3 of *The Landlord and Tenant Amendment Act, 1968-69*, is amended by adding thereto the following section: R.S.O. 1960,
c. 206,
Part IV
(1968-69,
c. 58, s. 3),
amended

81a.—(1) The Lieutenant Governor in Council shall prescribe by regulation the form of tenancy agreement for residential premises and every tenancy agreement shall be deemed to be in the form so prescribed. Standard
form of
tenancy
agreement

(2) Any terms in a tenancy agreement, other than those contained or permitted to be inserted in the form prescribed under subsection 1, shall be deemed to be void and of no effect. Additional
terms
prohibited

(2) The said Part IV is further amended by adding thereto the following sections: R.S.O. 1960,
c. 206,
Part IV
(1968-69,
c. 58, s. 3),
amended

110.—(1) There shall be a board to be known as the Rental Review Board. Rental
Review
Board
established

(2) The Lieutenant Governor in Council shall appoint such number of members to the Rental Review Board as he considers adequate and shall appoint one of such members as chairman and one or more other such members as vice-chairmen. Composition
of Board

(3) At least three members of the Board, one of whom shall be the chairman or vice-chairman, constitute a quorum. Quorum

Duties of
chairman

- (4) The chairman shall have general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

Site of
hearings

- (5) The Rental Review Board shall hold its hearings,
- (a) in the city, metropolitan municipality or regional municipality in which the rented premises are situate; or
 - (b) where the rented premises are not situate in a municipality mentioned in clause *a*, in the county or district in which the rented premises are situate.

Application
to Board

- 111.—(1) Where a tenant is in possession of residential premises and his continuing in possession is subject to the payment of an increased rent, the tenant may apply to the Rental Review Board for a review of the amount of the rent.

Notice of
hearing

- (2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

- (3) The notice of hearing shall contain,
- (a) a statement of the time and place of the hearing;
 - (b) a statement identifying the subject-matter of the application;
 - (c) a reference to the rules of procedure applicable to the hearing;
 - (d) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

- (4) The landlord, the tenant and any other person specified by the Board are parties to the hearing.

Failure to
attend

- (5) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence.

- (6) A hearing may be adjourned from time to time by ^{Adjourn-}
the Board on reasonable grounds,
- (a) on its own motion; or
 - (b) on the motion of any party to the hearing.
- (7) The Board may, in the prescribed form, command ^{Subpoenas}
the attendance before it of any person as a witness.
- (8) The Board may require any person, ^{Oaths}
- (a) to give evidence on oath at a hearing; and
 - (b) to produce such documents and things as the Board requires.
- (9) The Board may admit evidence not given under ^{Idem}
oath.
- (10) Any person who, without lawful excuse, ^{Offences}
- (a) on being duly summoned as a witness before the Board makes default in attending; or
 - (b) being in attendance as a witness before the Board refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or
 - (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,
- is guilty of an offence punishable under subsection 11.
- (11) The Board may certify an offence under subsection 10 ^{Enforce-}
to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

- | | |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Right of party to counsel | (12) Any party may be represented before the Board by counsel or agent. |
| Right of witness to counsel | (13) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. |
| Exclusion of counsel | (14) Where a hearing is <i>in camera</i> , a counsel or agent for a witness shall be excluded except when that witness is giving evidence. |
| Right of parties at hearing | (15) At a hearing before the Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. |
| Hearings to be open to public; exceptions | (16) All hearings shall be open to the public except where the Board finds that intimate financial or personal circumstances of any person may be disclosed, in which case the Board shall hold the hearing as to any such matters <i>in camera</i> . |
| Idem | (17) Notwithstanding the exceptions mentioned in subsection 16, the Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. |
| Release of exhibits | (18) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. |
| Specialized knowledge | (19) The Board may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. |
| Notice | (20) The Board shall notify all parties to a proceeding of any facts or information referred to in subsection 19 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. |
| Contents and service of notice | (21) The Board shall cause a notice containing a statement of such facts or information to be served upon all the parties. |
| Order of Board | 112.—(1) The Rental Review Board shall, after a hearing, determine the amount of rent that is reasonable in all the circumstances and may order that the rental |

agreement be continued at the rental mentioned in the order.

- (2) A landlord shall not terminate a rental agreement except for cause while an application to the Rental Review Board under this section is pending. Termination of tenancy while application pending
- (3) In the case of a weekly or monthly tenancy, the Board may order that the landlord shall not terminate the tenancy, except for cause, for a period named in the order, not exceeding one year. Termination of periodic tenancy after order
- (4) The Board shall serve upon the parties written reasons for its decisions. Reasons

2. Subsection 1 of section 1 applies to tenancy agreements entered into or renewed after the 1st day of July, 1971. Application of section 1, subsection 1

3.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 1 comes into force on the 1st day of July, 1971. Idem

4. This Act may be cited as *The Landlord and Tenant Amendment Act, 1971*. Short title

An Act to amend
The Landlord and Tenant Act

1st Reading

April 7th, 1971

2nd Reading

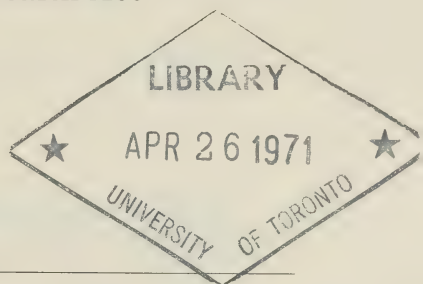
3rd Reading

MR. DEANS

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Health Act



MR. DEANS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires that drugs and medicines be sold only in child-proof containers.

BILL 16

1971

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321,
amended

CHILD-PROOF CONTAINERS

- 79.—(1) No person shall sell or offer for sale a drug to which *The Pharmacy Act* applies or a medicine registered under the *Proprietary or Patent Medicine Act* (Canada) that is not contained in a container that bears the mark of approval of a testing organization under subsection 2. Sale of
drugs and
medicines in
approved
containers
R.S.O. 1960,
c. 295
R.S.C. 1952,
c. 220

- (2) The Lieutenant Governor in Council may make regulations designating an organization to test and approve the types, designs and specifications of containers suitable to make the contents inaccessible to small children and providing for the affixing of a mark of approval on containers manufactured in accordance with the approved type, design and specifications. Regulations

2. This Act comes into force on the 1st day of July, 1971. Commence-
ment

3. This Act may be cited as *The Public Health Amendment Act, 1971*. Short title

BILL 16

An Act to amend
The Public Health Act

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. DEANS

(Private Member's Bill)

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BILL 17

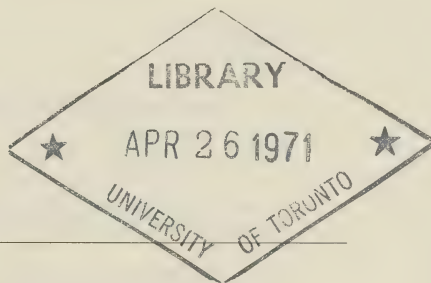
Private Member's Bill

-B 56

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

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An Act to control The Administration of Medicine in Schools



MR. BEN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to control the giving of medicine to children in schools.

The Bill requires that certain conditions precedent be met before a pupil is given medicine in a school and requires that a record of the giving of medicine be kept in each school.

The Bill also provides for control of experimental drug programs in schools and requires a public hearing before such a program is commenced.

BILL 17

1971

An Act to control The Administration of Medicine in Schools

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a school board or board of education;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (d) "pupil" means a child in attendance at an elementary or secondary school;
- (e) "teacher" means a person employed to teach in an elementary or secondary school.

2.—(1) A teacher shall not give medicine to a pupil unless directed to do so by the principal of the school in which the teacher is employed.

When
teacher
may give
medicine

(2) A principal shall not direct a teacher to give medicine to a pupil unless,

Conditions
precedent
to giving
of medicine

- (a) one of the parents of the pupil requests that a teacher give the medicine to the pupil;
- (b) a legally qualified medical practitioner states to the principal that it is necessary or advisable that a teacher give the medicine to the pupil;
- (c) the services of a nurse are not available in the school; and
- (d) the principal informs the teacher of the parent's request and the medical practitioner's statement.

Exception (3) Notwithstanding that the services of a nurse are available in the school, but subject to clauses *a*, *b* and *d* of subsection 2, a principal may direct a teacher to give medicine to a pupil if the medical practitioner referred to in clause *b* of subsection 1 states that the medicine must be given to the pupil at a specified time of day.

Medicine record **3.** The principal of every elementary or secondary school shall maintain in a book kept for that purpose a record of,

(a) the name, residence address and telephone number of each pupil who is given medicine in the school by a nurse or teacher; and

(b) every statement made by a medical practitioner referred to in clause *b* of subsection 2 of section 2.

Experimental drug programs **4.—(1)** In this section, “experimental program” means an experimental program involving the administration of a drug or placebo to groups of pupils.

Approval of Minister required (2) No experimental program shall be commenced unless the Minister gives his certificate of approval for the program.

Referral to Department (3) A board that is requested to permit the conduct of an experimental program shall refer the request to the Department.

Consultation by Minister (4) The Minister shall consult with the Addiction Research Foundation and the Clarke Institute of Psychiatry concerning every request to conduct an experimental program.

Public notice and hearing (5) Where the Minister proposes to give his certificate of approval for an experimental program he shall, before so doing,

(a) cause notice of the proposed experimental program to be published in *The Ontario Gazette* not less than six months before the proposed date of commencement of the program; and

(b) refer the request to the Standing Committee on Human Resources, or to such other standing committee of the Assembly as he considers proper, for consideration by the committee.

Idem (6) Notice shall be given to the proper officer of the Addiction Research Foundation and of the Clarke Institute of Psychiatry of the date, time and place of every meeting

of the standing committee at which a request for approval of an experimental program will be considered.

(7) At every meeting of the standing committee at which ^{Represent-}ation an experimental program is considered,

- (a) the Minister or the officer designated by him under this section shall attend;
- (b) a representative of the Addiction Research Foundation shall attend;
- (c) a representative of the Clarke Institute of Psychiatry may attend; and
- (d) interested members of the public may attend,

and they may severally make representations to the standing committee.

(8) The Minister may designate an officer of the Department ^{Designation} to exercise any of the powers conferred and perform any of ^{by Minister} the duties imposed upon him under this section.

(9) An experimental program shall not be commenced during ^{When pro-} a period when the Legislature is not in session. ^{gram not to} ^{commence}

5. This Act comes into force on the day it receives ^{Commence-} Royal Assent. ^{ment}

6. This Act may be cited as *The Medicine in Schools* ^{Short title} *Control Act, 1971.*



An Act to control
The Administration of Medicine
in Schools

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. BEN

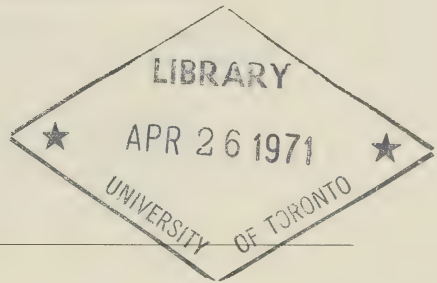
(Private Member's Bill)

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-B 56

BILL 18

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for
the Regulation of Driver Training Schools**



MR. BURR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to provide for the regulation of the driving school industry in order to improve service to the public.

Provision is made for the registration of operators of driving schools and the licensing of driving instructors. Provision is also made for the setting of minimum standards for such schools, the instructors and the instruction given.

BILL 18

1971

An Act to provide for the Regulation of Driver Training Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "driver training school" means any school or place wherein persons are taught to operate motor vehicles or taught or instructed in preparation for examination for licences to operate motor vehicles on a highway;
- (b) "driving instructor" means a person who teaches persons to operate motor vehicles or teaches or instructs persons in preparation for examination for licences to operate motor vehicles on a highway and receives compensation therefor;
- (c) "motor vehicle" means a motor vehicle under *R.S.O. 1960, The Highway Traffic Act*;
- (d) "Registrar" means the Registrar of Motor Vehicles appointed under *The Highway Traffic Act*;
- (e) "regulations" means the regulations made under this Act.

2. No person shall operate a driver training school unless ^{Registration required} he is registered under this Act.

3. No person shall act as a driving instructor unless he is ^{Licence required} the holder of a driving instructor's licence issued under this Act.

4. Every person who desires to operate a driver training ^{Registration} school shall make application in writing for registration to the Registrar in accordance with this Act and the regulations.

Conditions
of
registration

5. The Registrar may register an applicant as the operator of a driver training school and may issue a certificate accordingly upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be registered as the operator of a driver training school having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a driving instructor's licence issued under this Act;
- (d) maintains classroom and office facilities with sufficient space and equipment to properly operate a driving training school; and
- (e) complies with such other requirements as may be designated by the regulations.

Licence

6. Every person who desires to act as a driving instructor shall make application in writing for a driving instructor's licence to the Registrar in accordance with this Act and the regulations.

Conditions
of licence

7. The Registrar may issue a driving instructor's licence to an applicant upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be licensed as a driving instructor having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a chauffeur's licence issued under *The Highway Traffic Act* and has been so licensed for a period of at least one year immediately preceding the date of his application;
- (d) has the ability to instruct persons in the safe operation of motor vehicles; and
- (e) complies with such other requirements as may be designated by the regulations.

R.S.O. 1960,
c. 172

Renewal

8. Every applicant for renewal of registration and every applicant for renewal of a licence under this Act shall, on or before the 1st day of December in each year, apply to the

Registrar for the renewal of the registration or licence upon the prescribed form, which shall be accompanied by the prescribed fees.

9.—(1) The Registrar may refuse to grant a registration or renewal of registration where, in his opinion, the registration or renewal should not be granted. Refusal of registration

(2) The Registrar may refuse to issue or renew a licence where, in his opinion, such licence should not be issued or renewed. Refusal of licence

10. If any holder of a licence under this Act ceases to be the holder of a chauffeur's licence under *The Highway Traffic Act*, his driving instructor's licence expires on the date he ceases to be such holder. Expiry of licence R.S.O. 1960, c. 172

11.—(1) The Registrar, or any person authorized by him in writing, may inspect any driver training school at any time, Inspection

- (a) to determine the safety of the premises ;
- (b) to observe the method of instruction given therein ;
- (c) to inspect the business books and records ;
- (d) to inspect any circulars, pamphlets and other material used for advertising the driver training school ; or
- (e) generally for the purposes of this Act or the regulations.

(2) Every person who, Offence

- (a) obstructs the Registrar or authorized person in making any inspection or observation ; or
- (b) refuses or neglects to produce any business book or record upon demand by the Registrar or authorized person,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

12.—(1) If, as the result of any inspection of any driver training school, the Registrar is satisfied, Cancellation of registration

- (a) that a driver training school is insufficiently provided with the means of instruction ;

- (b) that a driver training school is not safe;
- (c) that the charges made for the instruction given are unreasonable; or
- (d) that any regulation pursuant to this Act is not observed therein,

he may cancel the registration, and thereupon the registration and the certificate thereof are void.

**Cancellation
of licence**

(2) If, as the result of any inspection of any driver training school or observation of any driving instructor, the Registrar is satisfied that a driving instructor,

- (a) is not a fit and proper person to be licensed as a driving instructor having regard to his character and integrity; or
- (b) does not have sufficient ability to instruct in the safe operation of a motor vehicle,

he may cancel the licence of such driving instructor and thereupon the licence is void.

Offences

13. Every person who,

- (a) operates a driver training school when he is not registered pursuant to this Act as the operator of that driver training school;
- (b) acts as a driving instructor when he is not licensed pursuant to this Act; or
- (c) is knowingly responsible for the contravention of any of the provisions of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a second or subsequent offence.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the security to be provided by the operator of any driver training school for the due performance of his contracts and providing for the forfeiture of such security or a part thereof and for the disposition of the proceeds;

- (b) respecting applications for registration and renewals of registration;
- (c) respecting applications for licences and renewals of licences;
- (d) prescribing the accommodations, materials and equipment required by driver training schools and the means of instruction to be used;
- (e) respecting the qualifications of driving instructors;
- (f) requiring the approval of the Registrar respecting courses of instruction, methods of instruction and premises and equipment used, in connection with a driver training school;
- (g) fixing the fees that shall be payable on applications for registration or renewal of registration;
- (h) fixing the fees that shall be payable on applications for issuance or renewal of a licence;
- (i) generally as to the conduct, operation and management of driver training schools; and
- (j) generally as to the qualifications and training of driving instructors.

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

16. This Act may be cited as *The Driver Training School Act, 1971*. Short title

An Act to provide
for the Regulation of Driver
Training Schools

1st Reading

April 7th, 1971

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

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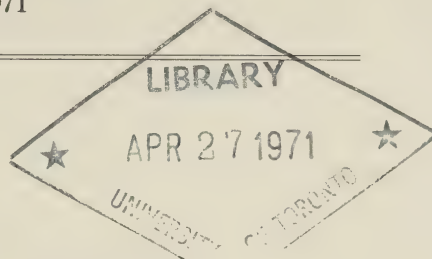
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BILL 19

Government Bill

-B56

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



**An Act to amend
The Real Estate and Business Brokers Act**

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The restrictions upon registration of a corporation as a broker now contain certain exceptions relating to trust companies. The amendments extend these exceptions to loan corporations also registered under *The Loan and Trust Corporations Act*.

BILL 19

1971

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *cc* of section 1 of *The Real Estate and Business Brokers Act*, as enacted by subsection 1 of section 1 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by adding at the end thereof "or loan corporation", amended so that the clause shall read as follows:

- (cc) "officer" means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company or loan corporation.

2.—(1) Clause *a* of subsection 1 of section 7 of *The Real Estate and Business Brokers Act*, as re-enacted by section 2 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is amended by striking out "a trust company" in the sixth line, so that the clause shall read as follows:

- (a) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers, but this clause does not apply to a corporation that is registered under *The Loan and Trust Corporations Act*.

(2) Clause *b* of subsection 1 of the said section 7 is amended by striking out "a trust company" in the seventh line, so that the clause shall read as follows:

- (b) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker, but this clause does not apply to the holding of voting shares of a corporation that is registered under *The Loan and Trust Corporations Act* where the shares held do not give the holder a substantial interest; or

R.S.O. 1960,
c. 222

- (3) Subsection 2 of the said section 7 is amended by striking out "a trust company" in the second line and by striking out "trust company" in the fifth and sixth lines and inserting in lieu thereof "corporation", so that the subsection shall read as follows:

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 2,
amended

Exception

- (2) Clause *b* of subsection 1 does not apply to a corporation that is registered under *The Loan and Trust Corporations Act* in which a broker holds voting shares amounting to a substantial interest where the shares were held and the corporation was registered under this Act immediately before *The Real Estate and Business Brokers Amendment Act, 1968-69* came into force.

1968-69,
c. 105

- (4) Clause *a* of subsection 4 of the said section 7 is amended by striking out "a trust company" in the fifth and sixth lines, so that the clause shall read as follows:

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 4, cl. *a*,
amended

- (a) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation, but this clause does not apply to the acquisition of shares of a corporation that is registered under *The Loan and Trust Corporations Act*.

- (5) Clause *b* of subsection 4 of the said section 7 is amended by striking out "a trust company" in the third and fourth lines, so that the clause shall read as follows:

R.S.O. 1960,
c. 344, s. 7
(1968-69,
c. 105, s. 2),
subs. 4, cl. *b*,
amended

- (b) hold shares in more than one corporation registered as brokers, at the same time, other than shares of a corporation that is registered under *The Loan and Trust Corporations Act*; or

3. This Act comes into force on the day it receives ^{Commence-}
Royal Assent. _{ment}

4. This Act may be cited as *The Real Estate and Business* ^{Short title}
Brokers Amendment Act, 1971.

An Act to amend
The Real Estate and Business Brokers Act

1st Reading

April 15th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

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-B 56

BILL 20

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Human Tissue Act, 1962-63

MR. BURR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment permits the use of a donor's body without the authorization of next of kin where he dies outside a hospital.

SECTIONS 2 and 3. The amendments permit the use of a body of a person who is not a donor to be authorized by the nearest class of next of kin who are available, notwithstanding that persons in a closer relationship exist but are not available.

BILL 20

1971

An Act to amend The Human Tissue Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 3 of *The Human Tissue Act, 1962-63* is repealed and the following substituted therefor : 1962-63,
c. 59, s. 3,
re-enacted

3. Where a donor dies in a place other than a hospital, the first person who has knowledge of the death and also that the deceased is a donor shall immediately notify the coroner who may authorize and require that the body be handed over to such hospital or other institution as the coroner designates as appropriate for the purposes of the donor's request. Death
outside
hospital

2. Section 4 of *The Human Tissue Act, 1962-63* is amended by adding thereto the following subsection : 1962-63,
c. 59, s. 4,
amended

(2) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not
available

3. Section 4a of *The Human Tissue Act, 1962-63*, as enacted by section 1 of *The Human Tissue Amendment Act, 1967*, is amended by adding thereto the following subsection : 1962-63,
c. 59, s. 4a
(1967, c. 38,
s. 1),
amended

(3) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not
available

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Human Tissue Amendment Act, 1971*. Short title

An Act to amend
The Human Tissue Act, 1962-63

1st Reading

April 15th, 1971

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

CA20N

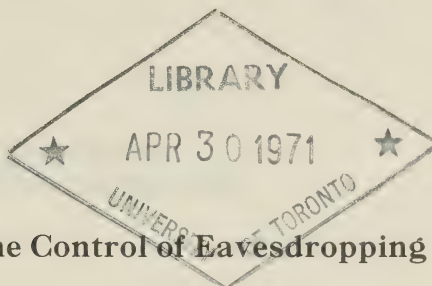
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BILL 21

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to provide for the Control of Eavesdropping

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The purpose of the Bill is to control wiretapping and all other forms of electronic overhearing of conversations.

Except in cases involving national security or organized crime, and then only for periods of time not exceeding forty-eight hours, no person may engage in "eavesdropping" without a court order.

The Bill provides that a court order may only be granted on the application of the Minister of Justice and Attorney General or a Crown Attorney and specifies the information that must be given to the court on such an application.

BILL 21

1971

An Act to provide for the Control of Eavesdropping

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "eavesdropping" means wiretapping and all other forms of electronic overhearing of conversations and "eavesdrop" has a corresponding meaning; and
- (b) "wiretapping" means the unauthorized use, interference with or connection to any telephone instrument, wiring or equipment for the purpose of acquiring knowledge of any conversation passing over a telephone line.

2. No person shall eavesdrop except under the authority of an order made under this Act.

Order
required to
eavesdrop

3.—(1) The Minister of Justice and Attorney General or a Crown Attorney may apply *ex parte* to a judge of the Supreme Court for an order authorizing eavesdropping.

Application
for order

(2) An order granting authority to eavesdrop shall not be made except upon the application of the Minister of Justice and Attorney General or a Crown Attorney.

Who may
apply for
order

(3) An order under this Act shall not grant authority to eavesdrop unless the applicant by affidavit discloses to the judge,

Affidavit
in support
of applica-
tion

- (a) the applicant's name and official position;
- (b) the name of the person against whom the eavesdropping will be directed;

- (c) the nature and location of the premises against which the eavesdropping will be directed;
- (d) full particulars of the offence under investigation;
- (e) a description of the type of conversation that the applicant seeks to overhear;
- (f) particulars of any other alternative investigative procedures and the reasons for the applicant's belief that such procedures have not or will not be sufficient;
- (g) the period of time during which the applicant believes the eavesdropping is necessary;
- (h) full particulars of all previous applications under this Act with respect to the person or the place set out in clauses *b* and *c* and the order made by the judge on each of the applications; and
- (i) that the applicant believes that the eavesdropping is necessary in the particular circumstances.

Limitation
as to time

(4) An order made under this section shall,

- (a) limit the time during which the eavesdropping is authorized to a period of not more than thirty days; and
- (b) terminate the authority to eavesdrop as soon as the conversation set out in clause *e* of subsection 3 is overheard.

Additional
conversations

(5) Notwithstanding clause *b* of subsection 4, where the judge is satisfied by the information disclosed in the affidavit required by subsection 3 that the applicant has reasonable cause to believe that further conversations of a type similar to that set out in clause *e* of subsection 3 are likely to occur, the order made under this section need not terminate the authority when that conversation is overheard.

Extension
of time

4.—(1) Where an order is made under section 3, an application may be made to a judge of the Supreme Court for a further order extending the authority to eavesdrop for an additional period of not more than thirty days from the date of the expiration of the authority.

Provisions
of s. 3
apply

(2) The provisions of section 3 apply *mutatis mutandis* to an application and an order made under this section.

(3) An order made under this section shall not extend the period of time of the authority to eavesdrop unless the applicant discloses by affidavit to the judge, ^{Additional information by affidavit}

- (a) the information obtained by the exercise of the authority and the progress of the investigation resulting from the information obtained; and
- (b) the reason why the period of time of the authority under the order made under section 3 was not sufficient.

5. On an application under section 4 or section 5, the applicant shall submit by affidavit such additional information as the judge may require. ^{Judge may require additional information}

6.—(1) Where an order is made under section 3 granting authority to eavesdrop, the applicant for the order shall, not later than ninety days after the termination of the authority, serve upon the person named in the application as the person against whom the eavesdropping is directed, notice of the eavesdropping. ^{Notice}

(2) Where the period of time of the authority to eavesdrop is extended by an order made under section 4, the notice required under subsection 1 shall be served not later than ninety days after the termination of the extension of the authority. ^{Idem}

- (3) The notice shall set out, ^{Particulars of notice}
- (a) the name of the person against whom the eavesdropping was directed;
 - (b) the location of the premises against which the eavesdropping was directed;
 - (c) the dates on which the eavesdropping occurred; and
 - (d) the authority under which the eavesdropping occurred.

(4) The notice required by this section shall be in writing and shall be served personally or by registered mail addressed to the person at his residence or place of business and if served by registered mail it shall be deemed to be served on the third day after it is mailed. ^{Service of notice}

(5) A judge of the Supreme Court may make an order dispensing with service of the notice required by this section where on an application to the judge the applicant ^{Dispensing with notice}

discloses by affidavit facts that establish good cause for dispensing with service of the notice.

Recording
to be made
available
to judge

7. Upon the expiration of the authority to eavesdrop granted under an order made under section 3 or section 4, as the case may be, the applicant for the order shall forthwith make available to the judge who made the order a copy of the recording of every conversation recorded during the eavesdropping.

Nature of
offence

1953-54,
c. 51 (Can.)

8. An order made under this Act shall not grant authority to eavesdrop unless the offence under investigation is one that is an indictable offence within the meaning of the *Criminal Code* (Canada) or is an offence that under the law of Canada or Ontario is punishable by imprisonment for more than one year.

Exception
in the case
of national
security or
organized
crime

9. Notwithstanding any other provision of this Act, where the offence under investigation is likely to endanger the safety, security or defence of Canada or involves the activities of persons organized for criminal purposes, eavesdropping may be directed against any person or place for a period of not more than forty-eight hours without the authority of an order under this Act.

Offence

10. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Control of Eavesdropping Act, 1971*.

An Act to provide for
the Control of Eavesdropping

1st Reading

April 16th, 1971

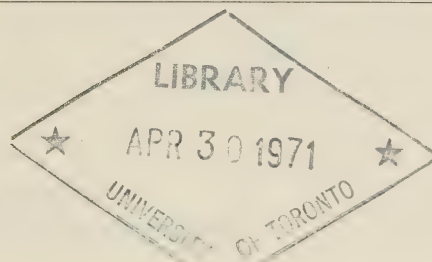
2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act respecting the Financial Accounts of Universities

MR. REID (Scarborough East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill would make available to the Legislature detailed audited financial statements of the universities and permit regulation of accounting standards in universities.

BILL 22

1971

An Act respecting the Financial Accounts of Universities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of University Affairs;

(b) "university" means a corporation incorporated as a university or college.

2. Every university that receives a grant of public money from Ontario in a year, shall, before the 1st day of March in the following year, file with the Minister a financial statement prepared in the form prescribed by the regulations and audited by a person licensed under *The Public Accountancy Act*. Financial
statements
R.S.O. 1960,
c. 317

3. The Minister shall, before the 1st day of April in each year, lay the financial statements received under section 2 before the Assembly if it is in session, or if not, at the next ensuing session. Tabling of
financial
statements

4. The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing the form and content of financial statements required by section 2;

(b) governing the financial accounts to be kept by universities including their form, content and procedure;

(c) respecting the appointment of auditors by universities.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The University Accounts Act, 1971*.

An Act respecting
the Financial Accounts of Universities

1st Reading

April 16th, 1971

2nd Reading

3rd Reading

MR. REID (Scarborough East)

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for the Control of Credit Reporting
Agencies, the Collection of Credit Information and
Credit Reporting**



THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

EXPLANATORY NOTES

The Bill regulates credit reporting agencies. The principal provisions are for:

1. registration of credit reporting agencies;
2. controlling the information that may or may not be stored for credit reporting or included in a credit report;
3. requiring the use of a credit report to be disclosed upon request and the disclosure of the information upon which it is based;
4. requiring the credit information to be stored in Ontario;
5. correcting credit information by order of the Registrar.

An Act to provide for the Control of Credit Reporting Agencies, the Collection of Credit Information and Credit Reporting

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "consumer" means a natural person seeking or obtaining credit for personal, family or household purposes;
- (b) "credit information" means information collected or stored for the purpose of assessing the credit rating of consumers;
- (c) "credit report" means a report of credit information or of a credit rating based on credit information, supplied by a credit reporting agency;
- (d) "credit reporting agency" means a person who is engaged in providing credit reports to any other person, whether for remuneration or otherwise;
- (e) "Director" means the Director of the Consumer Protection Division of the Department;
- (f) "Minister" means the Minister of Financial and Commercial Affairs;
- (g) "person" means an individual, an association of individuals, a partnership or a corporation;
- (h) "Registrar" means the Registrar of Credit Reporting Agencies;
- (i) "regulations" means the regulations made under this Act;

1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

Registrar **2.**—(1) There shall be a Registrar of Credit Reporting Agencies who shall be appointed by the Lieutenant Governor in Council.

Duties (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Regis-
tration of
credit re-
porting
agencies **3.** No person shall conduct or act as a credit reporting agency unless he is registered by the Registrar under this Act.

Regis-
tration **4.**—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

(a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(c) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Conditions
of
registration (2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4. Refusal to register

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Refusal to renew, suspension and revocation

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation

(3) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to require a hearing by the Tribunal if he mails or delivers notice in writing to the Registrar and the Tribunal within fifteen days after the notice under subsection 1 is served on him. Notice of right to hearing

(4) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(5) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first. Stay of refusal to renew

(6) Where an applicant or registrant requires a hearing by the Tribunal, the Tribunal shall appoint a time for and hold the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. Powers of Tribunal where hearing

(7) The notice of hearing shall contain, Idem

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;

(d) a concise statement of the issues; and

(e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties **7.—**(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend (2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjournment **8.—**(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoenas (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths (3) The Tribunal may require any person,

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things as the Tribunal requires.

Objection re self-incrimination (4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

R.S.O. 1960, c. 125
R.S.C. 1952, c. 307

Idem (5) The Tribunal may admit evidence not given under oath.

Offences (6) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

(7) The Tribunal may certify an offence under subsection 6 ^{Enforcement} to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

9. Any party may be represented before the Tribunal by ^{Right of party to counsel} counsel or agent.

10.—(1) Any witness may be represented before the Tribunal ^{Right of witness to counsel} by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. ^{Exclusion of counsel}

11. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. ^{Right of parties at hearing}

12.—(1) All hearings shall be open to the public except where the Tribunal finds that, ^{Hearings to be open to public: exceptions}

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* ^{Idem} and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

13. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. ^{Release of exhibits}

Specialized
knowledge

14.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents
and service
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties.

Record

15. All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal;
and
- (d) the decision and the reasons therefor,

form the record.

Decision of
Tribunal

16.—(1) On the application of the Registrar at the hearing, the Tribunal may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(2) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Decision
to be in
writing

(3) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of
reasons for
decision

(4) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and

- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(5) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. ^{Notice of decision}

17. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. ^{Enforcement of decisions}

18.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. ^{Appeal to Court of Appeal}

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. ^{Counsel}

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. ^{Decision of court}

19. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. ^{Stay}

20. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. ^{Further applications}

21.—(1) Subject to subsection 2, a credit reporting agency shall not collect, store or report information other than, ^{Credit information}

- (a) the name, sex, age, place of residence and marital status of a person and his place of employment, previous place of employment, estimated income, family responsibility, outstanding debt obligations and record of paying performance;

- (b) information as to judgments or judicial proceedings for the recovery of money owing for goods or services or based upon default under a conditional sale contract or mortgage on chattels or realty;
- (c) information as to bankruptcies;
- (d) information as to accounts unpaid after three months after they become due;
- (e) information as to the payment or non-payment of taxes or lawfully imposed fines;
- (f) information as to convictions for crimes, provided such information shall be deleted and not reported if at any time it is learned that after a conviction a full pardon has been granted;
- (g) any other information prescribed by the regulations.

Idem

- (2) A credit reporting agency shall not retain or report,
 - (a) information under clause *b* of subsection 1 after seven years after the judgment was given, unless the creditor confirms in writing that it remains unpaid in whole or in part, or information in respect of a judgment fully paid;
 - (b) information under clause *c* of subsection 1 after fourteen years from the date of assignment or petition in the most recent bankruptcy;
 - (c) information under clause *d* of subsection 1 after six years after the account became due unless it is accompanied by evidence that recovery is not barred by *The Limitations Act*;
 - (d) information under clause *e* of subsection 1 as to the non-payment of taxes or fines after seven years; and
 - (e) information under clause *f* of subsection 1 after seven years from the date of the conviction.

R.S.O. 1960,
c. 214

Idem

- (3) A credit reporting agency shall not collect, store, retain or report any information that is incapable of corroboration from another source.

Form of
collected
information

- (4) A credit reporting agency shall not include in a credit report any information other than information stored in a form capable of being produced under section 24.

22. A credit reporting agency shall not use credit information or rating unless the information is stored or collected in a repository located in Ontario. Repository in Ontario

23. Where for any reason the credit risk of a person is assessed, the person assessing the credit risk shall, upon request, inform the person whether or not a credit report is referred to for the purpose of such assessment and of the name and address of the credit reporting agency supplying the report. Disclosure of use of credit report

24.—(1) Each credit reporting agency shall, upon the request of any person, and without charge, Disclosure of information

- (a) disclose to such person whether or not it has collected or retains credit information respecting him;
- (b) produce for examination the contents of all such credit information; and
- (c) produce for examination a copy of any written report made on him to any other person or where the report was oral make oral disclosure as to the content of such oral report.

(2) The credit reporting agency shall permit a person to whom credit information is disclosed under subsection 1 to make a copy thereof. Copies

25.—(1) The Registrar may order a credit reporting agency to amend or delete any credit information, or by order restrict or prohibit the use of any credit information, that in his opinion is inaccurate or that does not comply with the provisions of this Act or the regulations and section 6 applies, *mutatis mutandis*, in the same manner as to a decision by the Registrar to revoke the registration of the credit reporting agency, except that the order may be issued and take effect immediately, but the Tribunal may grant a stay until the order becomes final. Order by Registrar re credit information

(2) A certified copy of the final decision of the Tribunal exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of order

26. Every credit reporting agency shall, within five days after the event, notify the Registrar in writing of, Notice of material changes

- (a) any change in its address for service;

- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; and
- (c) in the case of a corporation, any change in the ownership of its shares.

Investi-
gation of
complaints

27.—(1) Where the Registrar receives a complaint in respect of a credit reporting agency and so requests in writing, the credit reporting agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the credit reporting agency to make an inspection in relation to the complaint.

Investi-
gation by
Director

28.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,
c. 51 (Can.)

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigation

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

- (b) inquire into negotiations, transactions or agreements that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 7 of section 8 and section 10 apply to the investigator and witness in the same manner as to the Tribunal and witnesses before it.

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction
of
investigator

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. Search
warrant

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of
books, etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, pro- Idem

ceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of expert

(7) The Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

29.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or investigation under section 27 or 28 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony
in civil
suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

30.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department of Financial and Commercial Affairs.

When service
deemed made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Restraining
order

31.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may

have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order ^{Appeal} made under subsection 1.

32.—(1) Every person who, Offences

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted ^{Consent of Minister} except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall ^{Limitation} be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall ^{Idem} be commenced more than two years after the time when the subject-matter of the proceeding arose.

33. A statement as to, Certificate as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations **34.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered credit reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (f) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal, and prescribing the amounts thereof;
- (g) requiring and governing the books, accounts and records that shall be kept by credit reporting agencies;
- (h) prescribing additional information that may be collected, stored, or reported by a credit reporting agency;
- (i) prescribing information that must be contained in a credit report;

- (j) requiring credit reporting agencies to make returns and furnish information to the Registrar;
- (k) prescribing forms for the purposes of this Act and providing for their use;
- (l) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

35. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

36. This Act may be cited as *The Consumer Credit Reporting Act, 1971*. Short title

An Act to provide for the
Control of Credit Reporting
Agencies, the Collection of
Credit Information and
Credit Reporting

1st Reading

April 22nd, 1971

2nd Reading

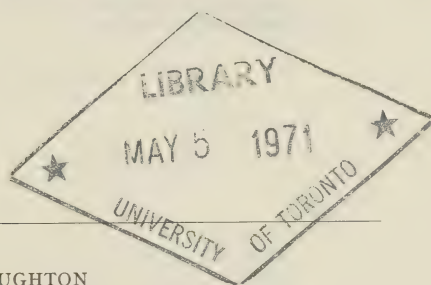
3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amalgamate the Department of Highways
and the Department of Transport**



THE HON. C. MACNAUGHTON
Minister of Highways and Minister of Transport

EXPLANATORY NOTE

The Bill provides for the amalgamation of the Department of Highways and the Department of Transport to form the Department of Transportation and Communications.

BILL 24

1971

**An Act to amalgamate
the Department of Highways and
the Department of Transport**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Transportation and Communications;
- (b) "Minister" means the Minister of Transportation and Communications.

2.—(1) The departments of the public service heretofore known as the Department of Highways and as the Department of Transport are amalgamated and continued as a department of the public service under the name of the Department of Transportation and Communications.

Depart-
ments
amal-
gamated

(2) The Minister shall preside over and have charge of the Department.

Minister to
have charge

(3) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff
1961-62,
c. 121

3. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

4. The Minister, with the approval of the Lieutenant Governor in Council, may delegate any of the powers relating to the operation of the Department conferred upon him by or under this or any other Act to any official of the Department designated by the Minister.

Delegation
of powers

References
to Minister,
etc.

5. Any mention of or reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport or to the Department of Highways or the Department of Transport in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Transportation and Communications or the Department of Transportation and Communications, as the case may be.

Application
to existing
proceedings

6. Where the Minister of Highways or the Minister of Transport is a party to any action or proceeding before any court, board or other tribunal, the Minister of Transportation and Communications shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Highways or the Minister of Transport, as the case may be.

Enforce-
ment of
contracts

7. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown

Possession
of maps,
etc., relat-
ing to
highways

8. The Minister may require a person having possession of a map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to a work under the control of the Department, and not being private property, to deliver it without delay to the Department.

Provincial
agreements
re licensing
and fees of
commercial
motor
vehicles,
etc.

9.—(1) The Government of Ontario, represented by the Minister, may make reciprocal arrangements and enter into agreements with the government or governments of any province or provinces of Canada,

- (a) providing for the licensing of public commercial vehicles and public vehicles, for the registration of commercial motor vehicles and trailers, and for exemptions from such licensing and registration;
- (b) prescribing the fees to be paid therefor and providing for the payment and apportionment of such fees; and
- (c) providing for such other related matters as are considered necessary.

Acts subject
to
agreement

R.S.O. 1960,
cc. 172, 319,
337

(2) The provisions of *The Highway Traffic Act*, *The Public Commercial Vehicles Act* and *The Public Vehicles Act* and regulations made thereunder, with respect to licensing and registration of vehicles, are subject to any agreement entered into under this section.

(3) A public commercial vehicle licence issued for a commercial motor vehicle or trailer by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Commercial Vehicles Act* to be a public commercial vehicle licence under that Act. Public commercial vehicles
R.S.O. 1960, c. 319

(4) A public vehicle licence issued for a public vehicle by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Vehicles Act* to be a public vehicle licence under that Act. Public vehicles
R.S.O. 1960, c. 337

(5) A permit for the registration of a commercial motor vehicle or trailer issued by a province with which an agreement has been entered into under this section with respect to such a permit shall be deemed for the purposes of *The Highway Traffic Act* to be a permit for the registration of such vehicle under that Act. Commercial motor vehicles
R.S.O. 1960, c. 172

(6) Where a licence or permit issued by a province with which an agreement has been entered into under this section is deemed for the purposes of any Act of the Legislature to be a licence or permit under such Act, the provisions of such Act with respect to suspension or cancellation of such a licence or permit apply in so far as the licence or permit is effective in Ontario. Suspension of licences or permits

(7) Any arrangement or agreement made or entered into under section 6 of *The Department of Transport Act* that is in effect on the day this Act comes into force shall be deemed to be an arrangement or agreement made or entered into under this section. Arrangement, etc., made under
R.S.O. 1960, c. 102

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual Report

11. *The Department of Highways Act* and *The Department of Transport Act* are repealed. Repeal
R.S.O. 1960, cc. 96, 102

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Department of Transportation and Communications Act, 1971*. Short title

An Act to amalgamate
the Department of Highways and
the Department of Transport

1st Reading

April 22nd, 1971

2nd Reading

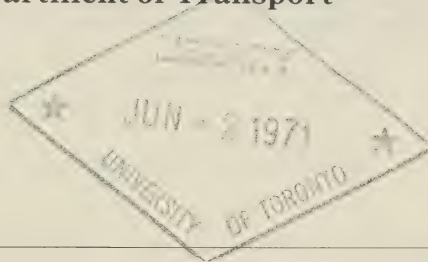
3rd Reading

THE HON. C. MACNAUGHTON
Minister of Highways and
Minister of Transport

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amalgamate the Department of Highways
and the Department of Transport**



THE HON. C. MACNAUGHTON
Minister of Highways and Minister of Transport

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the amalgamation of the Department of Highways and the Department of Transport to form the Department of Transportation and Communications.

BILL 24

1971

An Act to amalgamate the Department of Highways and the Department of Transport

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Transportation and Communications;
- (b) "Minister" means the Minister of Transportation and Communications.

2.—(1) The departments of the public service heretofore known as the Department of Highways and as the Department of Transport are amalgamated and continued as a department of the public service under the name of the Department of Transportation and Communications.

Depart-
ments
amal-
gamated

(2) The Minister shall preside over and have charge of the Department.

Minister to
have charge

(3) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Staff
1961-62,
c. 121

3. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

4. The Minister, with the approval of the Lieutenant Governor in Council, may delegate any of the powers relating to the operation of the Department conferred upon him by or under this or any other Act to any official of the Department designated by the Minister.

Delegation
of powers

References
to Minister,
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5. Any mention of or reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport or to the Department of Highways or the Department of Transport in any Act or regulation shall be deemed to be a mention of or reference to the Minister or Deputy Minister of Transportation and Communications or the Department of Transportation and Communications, as the case may be.

Application
to existing
proceedings

6. Where the Minister of Highways or the Minister of Transport is a party to any action or proceeding before any court, board or other tribunal, the Minister of Transportation and Communications shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Highways or the Minister of Transport, as the case may be.

Enforce-
ment of
contracts

7. Contracts respecting any work or property under the control of the Department that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown

Possession
of maps,
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8. The Minister may require a person having possession of a map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to a work under the control of the Department, and not being private property, to deliver it without delay to the Department.

Provincial
agreements
relicensing
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commercial
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9.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make reciprocal arrangements and enter into agreements with the government or governments of any province or provinces of Canada,

- (a) providing for the licensing of public commercial vehicles and public vehicles, for the registration of commercial motor vehicles and trailers, and for exemptions from such licensing and registration;
- (b) prescribing the fees to be paid therefor and providing for the payment and apportionment of such fees; and
- (c) providing for such other related matters as are considered necessary.

Acts subject
to
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R.S.O. 1960,
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R.S.O. 1960, c. 172

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(7) Any arrangement or agreement made or entered into under section 6 of *The Department of Transport Act* that is in effect on the day this Act comes into force shall be deemed to be an arrangement or agreement made or entered into under this section. Arrangement, etc., made under
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10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual Report

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An Act to amalgamate
the Department of Highways and
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1st Reading

April 22nd, 1971

2nd Reading

May 11th, 1971

3rd Reading

THE HON. C. MACNAUGHTON
Minister of Highways and
Minister of Transport

*(Reprinted as amended by
the Committee of the Whole House)*

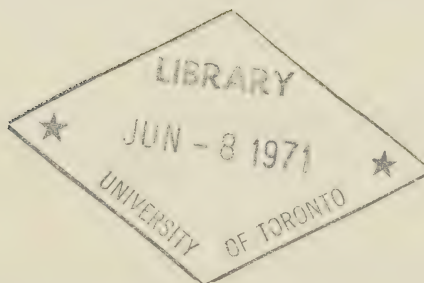
BILL 24

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

**An Act to amalgamate the Department of Highways
and the Department of Transport**

THE HON. C. MACNAUGHTON
Minister of Highways and Minister of Transport



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 24

1971

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1961-62,
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Delegation
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Application
to existing
proceedings

6. Where the Minister of Highways or the Minister of Transport is a party to any action or proceeding before any court, board or other tribunal, the Minister of Transportation and Communications shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Highways or the Minister of Transport, as the case may be.

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Provincial
agreements
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Acts subject
to
agreement

R.S.O. 1960,
cc. 172, 319,
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(7) Any arrangement or agreement made or entered into under section 6 of *The Department of Transport Act* that is in effect on the day this Act comes into force shall be deemed to be an arrangement or agreement made or entered into under this section. Arrangement, etc., made under
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the Department of Highways and
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1st Reading

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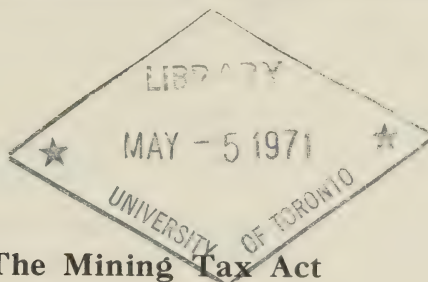
May 11th, 1971

3rd Reading

May 20th, 1971

THE HON. C. MACNAUGHTON
Minister of Highways and
Minister of Transport

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Mining Tax Act

THE HON. LEO. BERNIER
Minister of Mines and Northern Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Subsections 1, 2 and 3. The changes reflect the new departmental name.

Subsection 4. The definition of "output" is changed to correspond with current administrative practice.

Subsection 5. Complementary to section 3 of the Bill.

BILL 25

1971

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Mining Tax Act* is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *a*,
amended

(2) Clause *b* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *b*,
amended

(3) Clause *g* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *g*,
amended

(4) Clause *i* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 242, s. 1,
cl. *i*,
re-enacted

- (i) “output”, when used in reference to a mine, means all mineral substances raised, taken or gained from any mine or land in Ontario which have been sold, or have been incorporated in a manufacturing process, or have been treated or partially treated at any mill, smelter or refinery on or off the mining premises from which they were taken, and the product thereof has been sold.

(5) Clause *k* of the said section 1 is amended by striking out “and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year” in the fourth, fifth, sixth and seventh lines, so that the clause shall read as follows: R.S.O. 1960,
c. 242, s. 1,
cl. *k*,
amended

- (k) “taxation year” means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year.

R.S.O. 1960,
c. 242, s. 2,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 2 of *The Mining Tax Act* is repealed and the following substituted therefor:

When taxes
accrue and
when payable

- (1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Department not later than two months following the close of the taxation year.

R.S.O. 1960,
c. 242, s. 2,
subs. 2,
amended

- (2) Subsection 2 of the said section 2 is amended by striking out “or section 19, as the case may be” in the fourth line, so that the subsection shall read as follows:

Payment of
balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 6 exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1960,
c. 242, Pt. II
(ss. 15-22)
repealed

3.—(1) Part II of *The Mining Tax Act*, as amended by section 7 of *The Mining Tax Amendment Act, 1968-69*, is repealed.

Saving

- (2) Notwithstanding the repeal of Part II of *The Mining Tax Act*, as enacted by subsection 1, the provisions of *The Mining Tax Act*, as they existed immediately prior to the day this section comes into force, continue to apply in respect of the assessment and collection of taxes on natural gas accruing due for the 1969 taxation year.

R.S.O. 1960,
c. 242, s. 23,
subss. 1, 2,
re-enacted

4. Subsections 1 and 2 of section 23 of *The Mining Tax Act* are repealed and the following substituted therefor:

Interest on
unpaid tax

- (1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in the notice of assessment issued under subsection 1 of section 11, the person liable to pay the tax shall pay interest, at such rate per annum as is established by the Lieutenant Governor in Council, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

SECTION 2. Subsection 1. The amendment is to make it clear that the amount of the estimated tax must be actually received by the Department not later than the expiry of the time stated.

Subsection 2. Complementary to section 3 of the Bill.

SECTION 3. The Part repealed imposed an annual tax on every person producing natural gas and provided for its computation and payment.

SECTION 4. Subsection 1. The amendment clarifies the manner in which interest on overdue taxes is to be calculated and changes the interest rate from 6 per cent per annum to a rate established by the Lieutenant Governor in Council; provision is made for the payment of interest to a person who overpays the amount of taxes due.

SECTIONS 5, 6, 7, 8 and 9. Complementary to section 3 of the Bill.

- (1a) If any such balance is not in the hands of the ^{Penalty} Department within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 3 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date, one month following the mailing of the notice of assessment, to the date final payment is in the hands of the Department.
- (2) Where the amount of tax paid under sections 2, 6 and ^{Interest on overpayment of tax} 11 is more than the amount shown on the notice of assessment issued under subsection 1 of section 11 or more than the amount finally determined where an appeal is taken under section 10, interest at such rate per annum as is established by the Lieutenant Governor in Council shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made to the date the amount of the tax has been assessed under section 11 or has been determined under section 10, as the case may be.

5. Section 24 of *The Mining Tax Act* is amended by ^{R.S.O. 1960, c. 242, s. 24, amended} striking out "or to furnish a statement under section 19" in the second line, by striking out "or furnish the statement, as the case may be" in the third and fourth lines and by striking out "\$20" in the fourth line and inserting in lieu thereof "\$50", so that the section shall read as follows:

24. Every person who is required to deliver a return ^{Penalty for failure to comply with s. 6} under section 6 shall, in case of failure to deliver the return, incur a penalty of \$50 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a jury without a jury.

6. Section 25 of *The Mining Tax Act* is repealed.

^{R.S.O. 1960, c. 242, s. 25, repealed}

R.S.O. 1960,
c. 242, s. 26,
amended

7. Section 26 of *The Mining Tax Act*, as amended by section 8 of *The Mining Tax Amendment Act, 1968-69*, is further amended by striking out "the gas well or wells and" in the fifth line and by striking out "or gas well or wells" in the seventh line, so that the section shall read as follows:

Special lien
and priority
of the tax

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the leases of and rights respecting the same and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien.

R.S.O. 1960,
c. 242, s. 27,
amended

8. Section 27 of *The Mining Tax Act* is amended by striking out "or well" in the fifth line, so that the section shall read as follows:

Action to
recover tax

27. If any tax imposed under this Act is not paid when due, the same, together with all additions of percentage, double tax, penalties and costs payable under this Act, may be recovered from the owner, lessee, tenant, occupier or operator of the mine by an action at the suit of the Minister in any court of competent jurisdiction, together with the costs of the action.

R.S.O. 1960,
c. 242, s. 28,
subs. 1,
amended

9.—(1) Subsection 1 of section 28 of *The Mining Tax Act* is amended by striking out "or natural gas, or to prevent or restrict mining operations or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as seem proper" in the eleventh, twelfth, thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper", so that the subsection shall read as follows:

Injunction
or receiver

(1) In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue

SECTION 10. The amendment increases the penalty for furnishing false or incorrect information to the Department or keeping false or incorrect books from \$200 to not more than \$2000; intent to deceive is no longer a necessary ingredient of the offence.

SECTION 11. The penalty for shipping any mineral substance from a mine before notifying the Department it is in operation or for disclosing confidential information is increased from \$50 to \$1000.

SECTION 12. Complementary to section 4 of the Bill.

or where the payment of any accrued or future tax seems endangered, be obtained in the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper.

(2) Subsection 2 of the said section 28 is repealed.

R.S.O. 1960,
c. 242, s. 28,
subs. 2,
repealed

10. Section 31 of *The Mining Tax Act* is amended by striking out "with intent to deceive" in the seventh and eighth lines and by striking out "\$200" in the ninth line and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 31,
amended

31. Every person knowingly making or signing any false statement or furnishing any false or incorrect information to the Department or a mine assessor or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Offence, false
information

11. Section 32 of *The Mining Tax Act* is amended by striking out "\$50" in the fourth line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 32,
amended

32. Every person contravening section 5 and every person contravening section 9 by communicating or disclosing any information contrary to the provisions thereof is guilty of an offence and on summary conviction is liable to a fine of \$1,000.

Offence,
disclosing
information,
etc.

12. *The Mining Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 242,
amended

33. The Lieutenant Governor in Council may make regulations prescribing rates of interest for the purposes of this Act.

Regula-
tions

13. Subsections 1 and 2 of section 23 of *The Mining Tax Act*, as re-enacted by section 4, apply with respect to taxation years ending in 1971 and subsequent taxation years.

Application
of Act
R.S.O. 1960,
c. 242

R.S.O. 1960,
c. 242, s. 2,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 2 of *The Mining Tax Act* is repealed and the following substituted therefor:

When taxes
accrue and
when payable

- (1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Department not later than two months following the close of the taxation year.

R.S.O. 1960,
c. 242, s. 2,
subs. 2,
amended

- (2) Subsection 2 of the said section 2 is amended by striking out “or section 19, as the case may be” in the fourth line, so that the subsection shall read as follows:

Payment of
balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 6 exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1960,
c. 242, Pt. II
(ss. 15-22)
repealed

3.—(1) Part II of *The Mining Tax Act*, as amended by section 7 of *The Mining Tax Amendment Act, 1968-69*, is repealed.

Saving

- (2) Notwithstanding the repeal of Part II of *The Mining Tax Act*, as enacted by subsection 1, the provisions of *The Mining Tax Act*, as they existed immediately prior to the day this section comes into force, continue to apply in respect of the assessment and collection of taxes on natural gas accruing due for the 1969 taxation year.

R.S.O. 1960,
c. 242, s. 23,
subss. 1, 2,
re-enacted

4. Subsections 1 and 2 of section 23 of *The Mining Tax Act* are repealed and the following substituted therefor:

Interest on
unpaid tax

- (1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in the notice of assessment issued under subsection 1 of section 11, the person liable to pay the tax shall pay interest, at such rate per annum as is established by the Lieutenant Governor in Council, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

- (1a) If any such balance is not in the hands of the Department within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 3 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date, one month following the mailing of the notice of assessment, to the date final payment is in the hands of the Department. Penalty
- (2) Where the amount of tax paid under sections 2, 6 and 11 is more than the amount shown on the notice of assessment issued under subsection 1 of section 11 or more than the amount finally determined where an appeal is taken under section 10, interest at such rate per annum as is established by the Lieutenant Governor in Council shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made to the date the amount of the tax has been assessed under section 11 or has been determined under section 10, as the case may be. Interest on overpayment of tax

5. Section 24 of *The Mining Tax Act* is amended by striking out "or to furnish a statement under section 19" in the second line, by striking out "or furnish the statement, as the case may be" in the third and fourth lines and by striking out "\$20" in the fourth line and inserting in lieu thereof "\$50", so that the section shall read as follows: R.S.O. 1960,
c. 242, s. 24,
amended

24. Every person who is required to deliver a return under section 6 shall, in case of failure to deliver the return, incur a penalty of \$50 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury. Penalty for failure to comply with s. 6

6. Section 25 of *The Mining Tax Act* is repealed.

R.S.O. 1960,
c. 242, s. 25,
repealed

R.S.O. 1960,
c. 242, s. 26,
amended

7. Section 26 of *The Mining Tax Act*, as amended by section 8 of *The Mining Tax Amendment Act, 1968-69*, is further amended by striking out "the gas well or wells and" in the fifth line and by striking out "or gas well or wells" in the seventh line, so that the section shall read as follows:

Special lien
and priority
of the tax

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the leases of and rights respecting the same and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien.

R.S.O. 1960,
c. 242, s. 27,
amended

8. Section 27 of *The Mining Tax Act* is amended by striking out "or well" in the fifth line, so that the section shall read as follows:

Action to
recover tax

27. If any tax imposed under this Act is not paid when due, the same, together with all additions of percentage, double tax, penalties and costs payable under this Act, may be recovered from the owner, lessee, tenant, occupier or operator of the mine by an action at the suit of the Minister in any court of competent jurisdiction, together with the costs of the action.

R.S.O. 1960,
c. 242, s. 28,
subs. 1,
amended

9.—(1) Subsection 1 of section 28 of *The Mining Tax Act* is amended by striking out "or natural gas, or to prevent or restrict mining operations or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as seem proper" in the eleventh, twelfth, thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper", so that the subsection shall read as follows:

Injunction
or receiver

(1) In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue

SECTION 10. The amendment increases the penalty for furnishing false or incorrect information to the Department or keeping false or incorrect books from \$200 to not more than \$2000; intent to deceive is no longer a necessary ingredient of the offence.

SECTION 11. The penalty for shipping any mineral substance from a mine before notifying the Department it is in operation or for disclosing confidential information is increased from \$50 to \$1000.

SECTION 12. Complementary to section 4 of the Bill.

or where the payment of any accrued or future tax seems endangered, be obtained in the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper.

(2) Subsection 2 of the said section 28 is repealed.

R.S.O. 1960,
c. 242, s. 28,
subs. 2,
repealed

10. Section 31 of *The Mining Tax Act* is amended by striking out "with intent to deceive" in the seventh and eighth lines and by striking out "\$200" in the ninth line and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 31,
amended

31. Every person knowingly making or signing any false statement or furnishing any false or incorrect information to the Department or a mine assessor or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Offence, false
information

11. Section 32 of *The Mining Tax Act* is amended by striking out "\$50" in the fourth line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 32,
amended

32. Every person contravening section 5 and every person contravening section 9 by communicating or disclosing any information contrary to the provisions thereof is guilty of an offence and on summary conviction is liable to a fine of \$1,000.

Offence,
disclosing
information,
etc.

12. *The Mining Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 242,
amended

33. The Lieutenant Governor in Council may make regulations prescribing rates of interest for the purposes of this Act.

Regula-
tions

13. Subsections 1 and 2 of section 23 of *The Mining Tax Act*, as re-enacted by section 4, apply with respect to taxation years ending in 1971 and subsequent taxation years.

Application
of Act
R.S.O. 1960,
c. 242

Commence- ment	14. —(1) This Act, except section 3, comes into force on the day it receives Royal Assent.
Idem	(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1970.
Short title	15. This Act may be cited as <i>The Mining Tax Amendment Act, 1971</i> .

An Act to amend
The Mining Tax Act

1st Reading

April 25th, 1971

2nd Reading

3rd Reading

THE HON. LEO BERNIER
Minister of Mines and
Northern Affairs

(Government Bill)

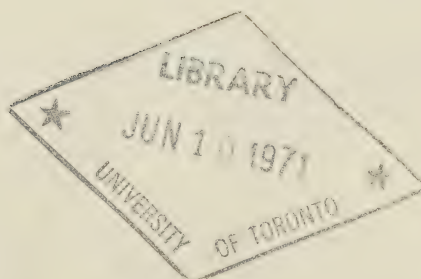
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4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

amend
provisions

An Act to amend The Mining Tax Act

THE HON. LEO. BERNIER
Minister of Mines and Northern Affairs



TORONTO

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BILL 25

1971

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Mining Tax Act* is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *a*,
amended

(2) Clause *b* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *b*,
amended

(3) Clause *g* of the said section 1 is amended by adding at the end thereof “and Northern Affairs”. R.S.O. 1960,
c. 242, s. 1,
cl. *g*,
amended

(4) Clause *i* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 242, s. 1,
cl. *i*,
re-enacted

- (*i*) “output”, when used in reference to a mine, means all mineral substances raised, taken or gained from any mine or land in Ontario which have been sold, or have been incorporated in a manufacturing process, or have been treated or partially treated at any mill, smelter or refinery on or off the mining premises from which they were taken, and the product thereof has been sold.

(5) Clause *k* of the said section 1 is amended by striking out “and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year” in the fourth, fifth, sixth and seventh lines, so that the clause shall read as follows: R.S.O. 1960,
c. 242, s. 1,
cl. *k*,
amended

- (*k*) “taxation year” means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year.

R.S.O. 1960,
c. 242, s. 2,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 2 of *The Mining Tax Act* is repealed and the following substituted therefor:

When taxes
accrue and
when payable

- (1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Department not later than two months following the close of the taxation year.

R.S.O. 1960,
c. 242, s. 2,
subs. 2,
amended

(2) Subsection 2 of the said section 2 is amended by striking out “or section 19, as the case may be” in the fourth line, so that the subsection shall read as follows:

Payment of
balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 6 exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1960,
c. 242, Pt. II
(ss. 15-22)
repealed

3.—(1) Part II of *The Mining Tax Act*, as amended by section 7 of *The Mining Tax Amendment Act, 1968-69*, is repealed.

Saving

(2) Notwithstanding the repeal of Part II of *The Mining Tax Act*, as enacted by subsection 1, the provisions of *The Mining Tax Act*, as they existed immediately prior to the day this section comes into force, continue to apply in respect of the assessment and collection of taxes on natural gas accruing due for the 1969 taxation year.

R.S.O. 1960,
c. 242, s. 23,
subs. 1, 2,
re-enacted

4. Subsections 1 and 2 of section 23 of *The Mining Tax Act* are repealed and the following substituted therefor:

Interest on
unpaid tax

- (1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in the notice of assessment issued under subsection 1 of section 11, the person liable to pay the tax shall pay interest, at such rate per annum as is established by the Lieutenant Governor in Council, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

(1a) If any such balance is not in the hands of the ^{Penalty} Department within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 3 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date, one month following the mailing of the notice of assessment, to the date final payment is in the hands of the Department.

(2) Where the amount of tax paid under sections 2, 6 and 11 is more than the amount shown on the notice of ^{Interest on overpayment of tax} assessment issued under subsection 1 of section 11 or more than the amount finally determined where an appeal is taken under section 10, interest at such rate per annum as is established by the Lieutenant Governor in Council shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made to the date the amount of the tax has been assessed under section 11 or has been determined under section 10, as the case may be.

5. Section 24 of *The Mining Tax Act* is amended by ^{R.S.O. 1960, c. 242, s. 24, amended} striking out "or to furnish a statement under section 19" in the second line, by striking out "or furnish the statement, as the case may be" in the third and fourth lines and by striking out "\$20" in the fourth line and inserting in lieu thereof "\$50", so that the section shall read as follows:

24. Every person who is required to deliver a return ^{Penalty for failure to comply with s. 6} under section 6 shall, in case of failure to deliver the return, incur a penalty of \$50 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury.

6. Section 25 of *The Mining Tax Act* is repealed.

^{R.S.O. 1960, c. 242, s. 25, repealed}

R.S.O. 1960,
c. 242, s. 26,
amended

7. Section 26 of *The Mining Tax Act*, as amended by section 8 of *The Mining Tax Amendment Act, 1968-69*, is further amended by striking out "the gas well or wells and" in the fifth line and by striking out "or gas well or wells" in the seventh line, so that the section shall read as follows:

Special lien
and priority
of the tax

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the leases of and rights respecting the same and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien.

R.S.O. 1960,
c. 242, s. 27,
amended

8. Section 27 of *The Mining Tax Act* is amended by striking out "or well" in the fifth line, so that the section shall read as follows:

Action to
recover tax

27. If any tax imposed under this Act is not paid when due, the same, together with all additions of percentage, double tax, penalties and costs payable under this Act, may be recovered from the owner, lessee, tenant, occupier or operator of the mine by an action at the suit of the Minister in any court of competent jurisdiction, together with the costs of the action.

R.S.O. 1960,
c. 242, s. 28,
subs. 1,
amended

9.—(1) Subsection 1 of section 28 of *The Mining Tax Act* is amended by striking out "or natural gas, or to prevent or restrict mining operations or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as seem proper" in the eleventh, twelfth, thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper", so that the subsection shall read as follows:

Injunction
or receiver

(1) In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue

or where the payment of any accrued or future tax seems endangered, be obtained in the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations or to provide for such operations upon such terms and conditions as seem proper.

- (2) Subsection 2 of the said section 28 is repealed.

R.S.O. 1960,
c. 242, s. 28,
subs. 2,
repealed

10. Section 31 of *The Mining Tax Act* is amended by striking out "with intent to deceive" in the seventh and eighth lines and by striking out "\$200" in the ninth line and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 31,
amended

31. Every person knowingly making or signing any false statement or furnishing any false or incorrect information to the Department or a mine assessor or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Offence, false
information

11. Section 32 of *The Mining Tax Act* is amended by striking out "\$50" in the fourth line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960,
c. 242, s. 32,
amended

32. Every person contravening section 5 and every person contravening section 9 by communicating or disclosing any information contrary to the provisions thereof is guilty of an offence and on summary conviction is liable to a fine of \$1,000.

Offence,
disclosing
information,
etc.

12. *The Mining Tax Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 242,
amended

33. The Lieutenant Governor in Council may make regulations prescribing rates of interest for the purposes of this Act.

Regula-
tions

13. Subsections 1 and 2 of section 23 of *The Mining Tax Act*, as re-enacted by section 4, apply with respect to taxation years ending in 1971 and subsequent taxation years.

Application
of Act
R.S.O. 1960,
c. 242

Commence-
ment

14.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1970.

Short title

15. This Act may be cited as *The Mining Tax Amendment Act, 1971*.

An Act to amend
The Mining Tax Act

1st Reading

April 22nd, 1971

2nd Reading

May 13th, 1971

3rd Reading

May 20th, 1971

THE HON. LEO BERNIER
Minister of Mines and
Northern Affairs

CA20N

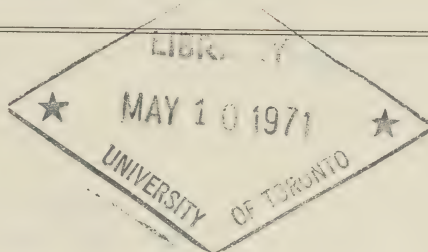
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-B 56

BILL 26

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Corporations Tax Act

THE HON. E. A. WINKLER
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The new section 4a will allow a corporation which purchases machinery and equipment in the period between April 26, 1971 and March 31, 1973 to deduct from its income tax payable an amount equal to 5 per cent of the cost to it of the machinery and equipment. The deduction will be allowed for the fiscal year in which the machinery and equipment is acquired and used and there is provision to carry forward any unused portion. Corporations having a net loss may carry the credit forward to April 1, 1974, while corporations having taxable income between April 26, 1971 and March 31, 1973 may carry the credit forward to April 1, 1973.

BILL 26

1971

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 73,
amended

4a.—(1) In this section,

Interpre-
tation

- (a) “machinery and equipment” means machinery and equipment prescribed by the regulations, but does not include automobiles and trucks, any property that is described in the corporation’s inventory or that part of any property in respect of which a loan is made under *The Ontario Development Corporation Act, 1966* 1966, c. 100 or *The Northern Ontario Development Corporation Act, 1970* 1970, c. 77;
- (b) “net loss” means the amount, if any, by which the business losses exceed the incomes of a corporation for the fiscal years ending between the 26th day of April, 1971, and the 1st day of April, 1973, except that,
 - (i) where the provisions of subsection 4 apply with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, in determining the net loss for the purpose of this section there shall be included that portion of the business loss or income for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365, and

- (ii) where, for the purposes of section 4, part of the taxable income of a corporation for a fiscal year is deemed to have been earned by the corporation in a jurisdiction outside Ontario, or, where a loss is incurred for that fiscal year and, for the purposes of section 5, part of the taxable paid-up capital is deemed to have been used in a jurisdiction outside Ontario, the business loss or income for that fiscal year shall, in determining the net loss for the purpose of this section, be reduced in the same ratio that the tax payable under section 4 or 5, as the case may be, is reduced for that fiscal year;

- (c) "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under section 4 after making any deduction applicable under subsection 2 of section 4.

Deduction
allowed

- (2) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to 5 per cent of the cost of machinery and equipment acquired and used in that fiscal year by the corporation which machinery and equipment is acquired pursuant to an agreement entered into after the 26th day of April, 1971, and which shall be used by the corporation solely in Ontario prior to the 1st day of April, 1973, for the purpose of earning income.

Tax credit
carried
forward

- (3) Any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1973, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed that portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365.

SECTION 2. The amendment will permit a corporation which borrows money to purchase shares in other corporations to deduct from its income the interest paid on the borrowed money.

SECTION 3. The amendment is to correct a reference in the 1970 amendments to the Act.

- (4) Notwithstanding subsection 3, where a corporation^{Idem} has a net loss, any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1974, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1974 the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed the portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1974, bears to 365.

2. Clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968* and subsection 1 of section 6 of *The Corporations Tax Amendment Act, 1970*, is further amended by striking out "or" at the end of subclause ii, by adding "or" at the end of subclause iii and by adding thereto the following subclause:^{R.S.O. 1960, c. 73, s. 22, subs. 1, cl. a, amended}

- (iv) borrowed money used for the purpose of purchasing shares of a corporation,

3. Subsection 2 of section 21 of *The Corporations Tax Amendment Act, 1970* is repealed and the following substituted therefor:^{1970, c. 69, s. 21, subs. 2, re-enacted}

- (2) Subsection 1 of section 1, subsection 1 of section 2,^{Idem} sections 6, 10, 11 and 12, subsection 2 of section 16 and section 17 apply with respect to the 1969 and subsequent fiscal years.

4. This Act shall be deemed to have come into force on the 26th day of April, 1971.^{Commence-ment}

5. This Act may be cited as *The Corporations Tax Amendment Act, 1971*.^{Short title}

BILL 26

An Act to amend
The Corporations Tax Act

1st Reading

April 26th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

CAZON

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BILL 26

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Tax Act

THE HON. E. A. WINKLER
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 26

1971

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 73,
amended

4a.—(1) In this section,

Interpre-
tation

- (a) “machinery and equipment” means machinery and equipment prescribed by the regulations, but does not include automobiles and trucks, any property that is described in the corporation’s inventory or that part of any property in respect of which a loan is made under *The Ontario Development Corporation Act, 1966* ^{1966, c. 100} or *The Northern Ontario Development Corporation Act, 1970* ^{1970, c. 77};
- (b) “net loss” means the amount, if any, by which the business losses exceed the incomes of a corporation for the fiscal years ending between the 26th day of April, 1971, and the 1st day of April, 1973, except that,
- (i) where the provisions of subsection 4 apply with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, in determining the net loss for the purpose of this section there shall be included that portion of the business loss or income for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365, and

- (ii) where, for the purposes of section 4, part of the taxable income of a corporation for a fiscal year is deemed to have been earned by the corporation in a jurisdiction outside Ontario, or, where a loss is incurred for that fiscal year and, for the purposes of section 5, part of the taxable paid-up capital is deemed to have been used in a jurisdiction outside Ontario, the business loss or income for that fiscal year shall, in determining the net loss for the purpose of this section, be reduced in the same ratio that the tax payable under section 4 or 5, as the case may be, is reduced for that fiscal year;

- (c) "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under section 4 after making any deduction applicable under subsection 2 of section 4.

Deduction
allowed

- (2) There may be deducted from the tax otherwise payable for a fiscal year by a corporation an amount equal to 5 per cent of the cost of machinery and equipment acquired and used in that fiscal year by the corporation which machinery and equipment is acquired pursuant to an agreement entered into after the 26th day of April, 1971, and which shall be used by the corporation solely in Ontario prior to the 1st day of April, 1973, for the purpose of earning income.

Tax credit
carried
forward

- (3) Any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1973, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed that portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365.

- (4) Notwithstanding subsection 3, where a corporation^{Idem} has a net loss, any amount which may be deducted under subsection 2 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 2 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1974, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1974 the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed the portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1974, bears to 365.

2. Clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968* and subsection 1 of section 6 of *The Corporations Tax Amendment Act, 1970*, is further amended by striking out "or" at the end of subclause ii, by adding "or" at the end of subclause iii and by adding thereto the following subclause:

R.S.O. 1960,
c. 73, s. 22,
subs. 1, cl. a,
amended

- (iv) borrowed money used for the purpose of purchasing shares of a corporation,

3. Subsection 2 of section 21 of *The Corporations Tax Amendment Act, 1970* is repealed and the following substituted therefor:

1970, c. 69,
s. 21, subs. 2,
re-enacted

- (2) Subsection 1 of section 1, subsection 1 of section 2, sections 6, 10, 11 and 12, subsection 2 of section 16 and section 17 apply with respect to the 1969 and subsequent fiscal years.

4. This Act shall be deemed to have come into force on the 26th day of April, 1971.

Commence-
ment

5. This Act may be cited as *The Corporations Tax Amendment Act, 1971*.

Short title

BILL 26

An Act to amend
The Corporations Tax Act

1st Reading

April 26th, 1971

2nd Reading

May 6th, 1971

3rd Reading

May 13th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

CA20N

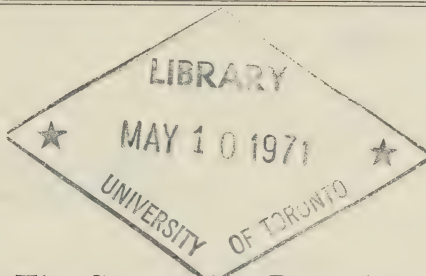
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BILL 27

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Succession Duty Act

THE HON. E. A. WINKLER
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment increases the exemption for non-commutable annuities from \$1,200 to \$10,000.

SECTION 2. Subsection 1. The effect of the amendment is to exempt preferred beneficiaries from duty on estates valued up to \$100,000. The previous level was \$50,000.

Subsection 2. The amendment removes the surtax payable by preferred beneficiaries.

Subsection 3. The amendment is consequential upon the amendment contained in subsection 1.

BILL 27

1971

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 5 of section 3 of *The Succession Duty Amendment Act, 1970*, is repealed and the following substituted therefor :

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
re-enacted

- (*h*) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the spouse or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$10,000 per annum in the aggregate.

2.—(1) Clauses *a*, *b*, *aa* and *bb* of subsection 1 of section 7 of *The Succession Duty Act* are repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 1, cls. *a*,
b, *aa*, *bb*,
repealed

(2) Subsection 6 of the said section 7 is amended by striking out "of 15 per cent of the amount ascertained according to subsection 1" in the first and second lines, so that the subsection shall read as follows :

R.S.O. 1960,
c. 386, s. 7,
subs. 6,
amended

- (6) A surtax of 20 per cent of the amount ascertained according to subsection 4 and of 25 per cent of the amount ascertained according to subsection 5, shall be levied, added to and paid with such respective amounts as duty.

Surtax

(3) Subclause *i* of clause *c* of subsection 7 of the said section 7 is amended by striking out "\$50,000" in the second line and inserting in lieu thereof "\$100,000", so that the subclause shall read as follows :

R.S.O. 1960,
c. 386, s. 7,
subs. 7, cl. *c*,
subcl. *i*,
amended

- (i) multiplying the amount by which the aggregate value exceeds \$100,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. i
(1970, c. 51,
s. 4, subs. 3),
amended

(4) Subclause i of clause b of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the second line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) where the deceased is survived by a spouse and no dependent children, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. ii
(1970, c. 51,
s. 4, subs. 3),
amended

(5) Subclause ii of clause b of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" in the third line and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$250,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. d,
subcl. i
(1970, c. 51,
s. 4, subs. 6),
amended

(6) Subclause i of clause d of subsection 8 of the said section 7, as re-enacted by subsection 6 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out "\$125,000" and inserting in lieu thereof "\$250,000", so that the subclause shall read as follows:

- (i) in the case of the spouse of the deceased, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. da
(1962-63,
c. 135, s. 3,
subs. 6),
re-enacted

(7) Clause da of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (da) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant's individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 5 per cent.

Subsection 4. The exemption for a spouse of the deceased is increased from \$125,000 to \$250,000.

Subsections 5 and 6. The amendments are consequential upon the amendment contained in subsection 4.

Subsection 7. The amendment is consequential upon the amendment contained in subsection 1.

3. This Act shall be deemed to have come into force on the 26th day of April, 1971. Commence-
ment

4. This Act may be cited as *The Succession Duty Amendment Act, 1971*. Short title

An Act to amend
The Succession Duty Act

1st Reading

April 26th, 1971

2nd Reading

3rd Reading

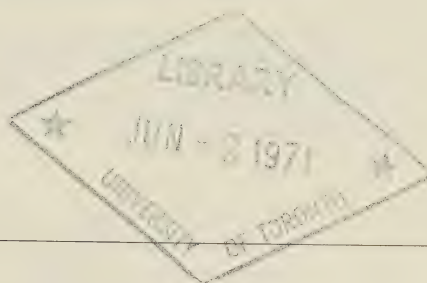
THE HON. E. A. WINKLER
Minister of Revenue

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publication

An Act to amend The Succession Duty Act



THE HON. E. A. WINKLER
Minister of Revenue

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment increases the exemption for non-commutable annuities from \$1,200 to \$10,000.

SECTION 2. Subsection 1. The effect of the amendment is to exempt preferred beneficiaries from duty on estates valued up to \$100,000. The previous level was \$50,000.

Subsection 2. The amendment removes the surtax payable by preferred beneficiaries.

Subsection 3. The amendment is consequential upon the amendment contained in subsection 1.

BILL 27

1971

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 5 of section 3 of *The Succession Duty Amendment Act, 1970*, is repealed and the following substituted therefor :

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
re-enacted

- (*h*) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the spouse or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$10,000 per annum in the aggregate.

2.—(1) Clauses *a*, *b*, *aa* and *bb* of subsection 1 of section 7 of *The Succession Duty Act* are repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 1, cls. *a*,
b, *aa*, *bb*,
repealed

(2) Subsection 6 of the said section 7 is amended by striking out "of 15 per cent of the amount ascertained according to subsection 1" in the first and second lines, so that the subsection shall read as follows :

R.S.O. 1960,
c. 386, s. 7,
subs. 6,
amended

- (6) A surtax of 20 per cent of the amount ascertained according to subsection 4 and of 25 per cent of the amount ascertained according to subsection 5, shall be levied, added to and paid with such respective amounts as duty.

Surtax

(3) Subclause *i* of clause *c* of subsection 7 of the said section 7 is amended by striking out "\$50,000" in the second line and inserting in lieu thereof "\$100,000", so that the subclause shall read as follows :

R.S.O. 1960,
c. 386, s. 7,
subs. 7, cl. *c*,
subcl. *i*,
amended

- (i) multiplying the amount by which the aggregate value exceeds \$100,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. i
(1970, c. 51,
s. 4, subs. 3),
amended

(4) Subclause i of clause b of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out “\$125,000” in the second line and inserting in lieu thereof “\$250,000”, so that the subclause shall read as follows:

- (i) where the deceased is survived by a spouse and no dependent children, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. ii
(1970, c. 51,
s. 4, subs. 3),
amended

(5) Subclause ii of clause b of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out “\$125,000” in the third line and inserting in lieu thereof “\$250,000”, so that the subclause shall read as follows:

- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$250,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. d,
subcl. i
(1970, c. 51,
s. 4, subs. 6),
amended

(6) Subclause i of clause d of subsection 8 of the said section 7, as re-enacted by subsection 6 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out “\$125,000” and inserting in lieu thereof “\$250,000”, so that the subclause shall read as follows:

- (i) in the case of the spouse of the deceased, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. da
(1962-63,
c. 135, s. 3,
subs. 6),
re-enacted

(7) Clause da of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (da) “individual dependant reduction” means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant’s individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 5 per cent.

Subsection 4. The exemption for a spouse of the deceased is increased from \$125,000 to \$250,000.

Subsections 5 and 6. The amendments are consequential upon the amendment contained in subsection 4.

Subsection 7. The amendment is consequential upon the amendment contained in subsection 1.

3. This Act shall be deemed to have come into force on the ^{Commence-}
27th day of April, 1971._{ment}

4. This Act may be cited as *The Succession Duty Amendment* ^{Short title}
Act, 1971.

BILL 27

An Act to amend
The Succession Duty Act

1st Reading

April 26th, 1971

2nd Reading

May 6th, 1971

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

*(Reprinted as amended by
the Committee of the Whole House)*

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BILL 27

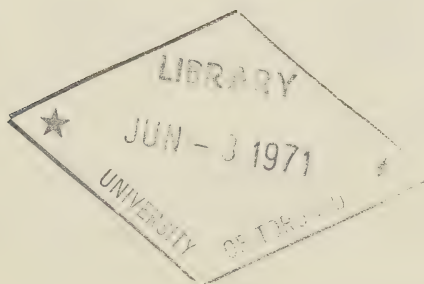
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4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Succession Duty Act

THE HON. E. A. WINKLER
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 27

1971

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 5 of section 3 of *The Succession Duty Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
re-enacted

- (*h*) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the spouse or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$10,000 per annum in the aggregate.

2.—(1) Clauses *a*, *b*, *aa* and *bb* of subsection 1 of section 7 of *The Succession Duty Act* are repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 1, cls. *a*,
b, *aa*, *bb*,
repealed

(2) Subsection 6 of the said section 7 is amended by striking out "of 15 per cent of the amount ascertained according to subsection 1" in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 6,
amended

- (6) A surtax of 20 per cent of the amount ascertained according to subsection 4 and of 25 per cent of the amount ascertained according to subsection 5, shall be levied, added to and paid with such respective amounts as duty.

Surtax

(3) Subclause *i* of clause *c* of subsection 7 of the said section 7 is amended by striking out "\$50,000" in the second line and inserting in lieu thereof "\$100,000", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 7, cl. *c*,
subcl. *i*,
amended

- (i) multiplying the amount by which the aggregate value exceeds \$100,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. i
(1970, c. 51,
s. 4, subs. 3),
amended

(4) Subclause i of clause *b* of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out “\$125,000” in the second line and inserting in lieu thereof “\$250,000”, so that the subclause shall read as follows:

- (i) where the deceased is survived by a spouse and no dependent children, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. b,
subcl. ii
(1970, c. 51,
s. 4, subs. 3),
amended

(5) Subclause ii of clause *b* of subsection 8 of the said section 7, as re-enacted by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out “\$125,000” in the third line and inserting in lieu thereof “\$250,000”, so that the subclause shall read as follows:

- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$250,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. d,
subcl. i
(1970, c. 51,
s. 4, subs. 6),
amended

(6) Subclause i of clause *d* of subsection 8 of the said section 7, as re-enacted by subsection 6 of section 4 of *The Succession Duty Amendment Act, 1970*, is amended by striking out “\$125,000” and inserting in lieu thereof “\$250,000”, so that the subclause shall read as follows:

- (i) in the case of the spouse of the deceased, \$250,000.

R.S.O. 1960,
c. 386, s. 7,
subs. 8, cl. *da*
(1962-63,
c. 135, s. 3,
subs. 6),
re-enacted

(7) Clause *da* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (*da*) “individual dependant reduction” means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant’s individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 5 per cent.

3. This Act shall be deemed to have come into force on the ^{Commence-}27th day of April, 1971._{ment}

4. This Act may be cited as *The Succession Duty Amendment* ^{Short title}*Act, 1971.*

An Act to amend
The Succession Duty Act

1st Reading

April 26th, 1971

2nd Reading

May 6th, 1971

3rd Reading

May 20th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

CA20N

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-B 56

BILL 28

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Planning Act



THE HON. D. A. BALES
Minister of Municipal Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Subsection 1. The amendment deems the fee in abutting lands to be retained where simultaneous conveyances, etc., are made.

Subsection 2. The period of time at the expiry of which a consent given by the Minister, a committee of adjustment or land division committee will lapse is enlarged from one year to two years.

BILL 28

1971

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 26 of *The Planning Act*, as re-enacted by section 1 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 296, s. 26 (1970, c. 72, s. 1), amended

- (5a) Where a person conveys land or grants, assigns or exercises a power of appointment with respect to land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections 2 and 4 to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment with respect to, land abutting the land that is being conveyed or otherwise dealt with. Simultaneous conveyances, etc., of abutting lands

(2) Subsection 6 of the said section 26 is amended by striking out "one year" in the third line and in the sixth and seventh lines and inserting in lieu thereof in each instance "two years", so that the first nine lines of the subsection shall read as follows: R.S.O. 1960, c. 296, s. 26 (1970, c. 72, s. 1), subs. 6, amended

- (6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of two years after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the Consent to lapse after two years

land division committee, at the expiration of two years after the date of the certificate given under subsection 19 of section 32*b*, unless within such period,

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2),
amended

2.—(1) Section 26*a* of *The Planning Act*, as enacted by section 2 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection:

Quorum

(3*a*) Where a land division committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2), subs. 4,
amended

(2) Subsection 4 of the said section 26*a* is amended by striking out "subsections 4 to 12" in the first line and inserting in lieu thereof "subsections 4, 5 and 7 to 12", so that the subsection shall read as follows:

Application
of s. 32*a*,
subs. 4, 5,
7-12,
s. 32*b*,
subs. 2*a*-19,
to committee,
power to
grant
consents

(4) The provisions of subsections 4, 5 and 7 to 12 of section 32*a* and subsections 2*a* to 19 of section 32*b* apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

R.S.O. 1960,
c. 296, s. 28,
amended

3.—(1) Section 28 of *The Planning Act*, as amended by section 5 of *The Planning Amendment Act, 1961-62*, section 8 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1965* and section 4 of *The Planning Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

Draft
approval
to lapse
after
three
years

(11*a*) Where the Minister has not given his approval to a final plan for registration within three years after the date upon which approval to the draft plan was given, the approval of the draft plan shall, unless such approval has prior thereto been withdrawn pursuant to subsection 11, thereupon lapse, but the Minister may at any time during such three year period extend

SECTION 2, Subsection 1. The amendment will permit two members of a land division committee to hear applications where the committee is composed of three members and will permit three members to hear applications if the committee is composed of any number in excess of three. Formerly a majority of members was required in all cases to constitute a quorum.

Subsection 2. Complementary to subsection 1.

SECTION 3. The amendment provides for an automatic termination of draft plan approvals of plans of subdivision.

SECTION 4. The new subsection will provide the Minister with notice that a committee of adjustment is being established. This is significant having regard to the jurisdiction for granting consents.

SECTION 5. The maximum amount of the fee prescribed to be payable on an application to a committee of adjustment and to a land division committee is increased from \$25 to \$50.

the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

(2) Notwithstanding subsection 1, but subject to subsection 11 of section 26 of *The Planning Act*, where the Minister has given his approval to a draft plan of subdivision prior to the day this section comes into force, the approval of the draft plan shall not lapse until the 1st day of July, 1974, but the Minister may at any time prior to that date extend the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

Draft approval re certain plans to lapse July 1st, 1974

4. Section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62* and amended by section 11 of *The Planning Amendment Act, 1962-63*, section 4 of *The Planning Amendment Act, 1966*, section 4 of *The Planning Amendment Act, 1968* and section 4 of *The Planning Amendment Act, 1970*, is further amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 32a (1961-62, c. 104, s. 8), amended

(1a) A by-law passed under subsection 1 does not come into effect until thirty days after a certified copy thereof has been sent to the Minister by registered mail by the clerk of the municipality.

5. Subsection 5 of section 32b of *The Planning Act* as re-enacted by subsection 1 of section 12 of *The Planning Amendment Act, 1962-63*, is amended by striking out "\$25" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960, c. 296, s. 32b, subs. 5 (1962-63, c. 105, s. 12, subs. 1), amended

6. This Act comes into force on the day following the day it receives Royal Assent.

Commencement

7. This Act may be cited as *The Planning Amendment Act*, 1971.

Short title

BILL 28

An Act to amend
The Planning Act

1st Reading

April 26th, 1971

2nd Reading

3rd Reading

THE HON. D. A. BALES
Minister of Municipal Affairs

(Government Bill)

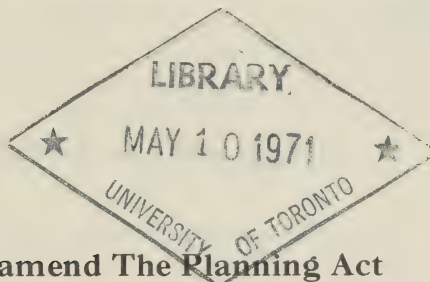
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BILL 28

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Planning Act

THE HON. D. A. BALES
Minister of Municipal Affairs

T O R O N T O

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 28

1971

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 26 of *The Planning Act*, as re-enacted by section 1 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 26
(1970, c. 72,
s. 1),
amended

(5a) Where a person conveys land or grants, assigns or exercises a power of appointment with respect to land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections 2 and 4 to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment with respect to, land abutting the land that is being conveyed or otherwise dealt with.

Simultaneous
conveyances,
etc., of
abutting
lands

(2) Subsection 6 of the said section 26 is amended by striking out "one year" in the third line and in the sixth and seventh lines and inserting in lieu thereof in each instance "two years", so that the first nine lines of the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 26
(1970, c. 72,
s. 1), subs. 6,
amended

(6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of two years after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the

Consent to
lapse after
two years

land division committee, at the expiration of two years after the date of the certificate given under subsection 19 of section 32*b*, unless within such period,

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2),
amended

2.—(1) Section 26*a* of *The Planning Act*, as enacted by section 2 of *The Planning Amendment Act, 1970*, is amended by adding thereto the following subsection:

Quorum

(3*a*) Where a land division committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

R.S.O. 1960,
c. 296, s. 26*a*
(1970, c. 72,
s. 2), subs. 4,
amended

(2) Subsection 4 of the said section 26*a* is amended by striking out "subsections 4 to 12" in the first line and inserting in lieu thereof "subsections 4, 5 and 7 to 12", so that the subsection shall read as follows:

Application
of s. 32*a*,
subss. 4, 5,
7-12,
s. 32*b*,
subss. 2*a*-19,
to committee,
power to
grant
consents

(4) The provisions of subsections 4, 5 and 7 to 12 of section 32*a* and subsections 2*a* to 19 of section 32*b* apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

R.S.O. 1960,
c. 296, s. 28,
amended

3.—(1) Section 28 of *The Planning Act*, as amended by section 5 of *The Planning Amendment Act, 1961-62*, section 8 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1965* and section 4 of *The Planning Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

Draft
approval
to lapse
after
three
years

(11*a*) Where the Minister has not given his approval to a final plan for registration within three years after the date upon which approval to the draft plan was given, the approval of the draft plan shall, unless such approval has prior thereto been withdrawn pursuant to subsection 11, thereupon lapse, but the Minister may at any time during such three year period extend

the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

(2) Notwithstanding subsection 1, but subject to subsection 11 of section 28 of *The Planning Act*, where the Minister has given his approval to a draft plan of subdivision prior to the day this section comes into force, the approval of the draft plan shall not lapse until the 1st day of July, 1974, but the Minister may at any time prior to that date extend the duration of the approval and may from time to time thereafter, prior to the lapsing of the approval, further extend the duration of approval.

Draft approval re certain plans to lapse July 1st, 1974

4. Section 32a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62* and amended by section 11 of *The Planning Amendment Act, 1962-63*, section 4 of *The Planning Amendment Act, 1966*, section 4 of *The Planning Amendment Act, 1968* and section 4 of *The Planning Amendment Act, 1970*, is further amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 32a (1961-62, c. 104, s. 8), amended

(1a) A by-law passed under subsection 1 does not come into effect until thirty days after a certified copy thereof has been sent to the Minister by registered mail by the clerk of the municipality.

When by-law in force

5. Subsection 5 of section 32b of *The Planning Act* as re-enacted by subsection 1 of section 12 of *The Planning Amendment Act, 1962-63*, is amended by striking out "\$25" in the fifth line and inserting in lieu thereof "\$50".

R.S.O. 1960, c. 296, s. 32b, subs. 5 (1962-63, c. 105, s. 12, subs. 1), amended

6. This Act comes into force on the day following the day it receives Royal Assent.

Commencement

7. This Act may be cited as *The Planning Amendment Act, 1971*.

Short title

An Act to amend
The Planning Act

1st Reading

April 26th, 1971

2nd Reading

April 27th, 1971

3rd Reading

April 27th, 1971

THE HON. D. A. BALES
Minister of Municipal Affairs

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BILL 29

Government Bill

-B 56

4TH SESSION, 28TH LEGISLATURE, ~~ONTARIO~~
20 ELIZABETH II, 1971



An Act to amend The Provincial Parks Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The new section provides for stop signs at entrances to and intersections in provincial parks.

BILL 29

1971

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Parks Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 314,
amended

11a.—(1) In this section, “road” includes a trail. Interpre-
tation

(2) The district forester or superintendent in charge of a provincial park may erect at the entrance to the provincial park or at the intersection of any roads therein a stop sign conforming with the regulations under *The Highway Traffic Act*. Stop
signs

R.S.O. 1960,
c. 172

(3) The driver or operator of a vehicle, upon approaching a stop sign at the entrance to a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before proceeding past the stop sign. Stop at
entrances

(4) The driver or operator of a vehicle, Stop at
through
road

(a) upon approaching a stop sign at an intersection in a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another road so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another road shall yield the right of way to the vehicle so proceeding in the intersection.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Provincial Parks Amendment Act, 1971*.

An Act to amend
The Provincial Parks Act

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

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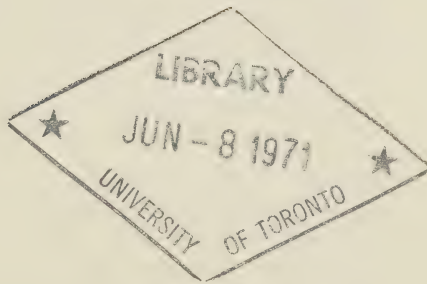
BILL 29

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Provincial Parks Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



BILL 29

1971

An Act to amend The Provincial Parks Act

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c. 172

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(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another road so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another road shall yield the right of way to the vehicle so proceeding in the intersection.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Provincial Parks Amendment Act, 1971*.

BILL 29

An Act to amend
The Provincial Parks Act

1st Reading

April 27th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Forestry Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides for supplementary agreements and the term of any supplementary agreement heretofore or hereafter made.

BILL 30

1971

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Forestry Act*, as amended by section 2 of ^{R.S.O. 1960, c. 153, s. 2,} *The Forestry Amendment Act, 1967*, is further amended by ^{amended} adding thereto the following subsection:

(2a) Every agreement heretofore or hereafter entered ^{Supple-} into under subsection 2 may provide for entry into ^{mentary} supplementary agreements and, notwithstanding sub- ^{agreements} section 2, any supplementary agreement heretofore or hereafter entered into may be for a term not exceeding the unexpired term of the agreement being supplemented.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Forestry Amendment Act*, ^{Short title} 1971.

BILL 30

An Act to amend
The Forestry Act

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

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An Act to amend The Forestry Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



BILL 30

1971

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Forestry Act*, as amended by section 2 of R.S.O. 1960, c. 153, s. 2, *The Forestry Amendment Act, 1967*, is further amended by ^{amended} adding thereto the following subsection:

(2a) Every agreement heretofore or hereafter entered ^{Supple-} into under subsection 2 may provide for entry into ^{mentary} supplementary agreements and, notwithstanding sub- ^{agreements} section 2, any supplementary agreement heretofore or hereafter entered into may be for a term not exceeding the unexpired term of the agreement being supplemented.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Forestry Amendment Act*, ^{Short title} 1971.

An Act to amend
The Forestry Act

1st Reading

April 27th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

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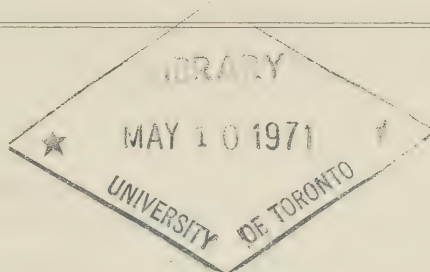
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BILL 31

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Gananoque Lands Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The new section provides an alternative method of disposal of the ungranted part of the lands described in the Schedule to the Act.

BILL 31

1971

**An Act to amend
The Gananoque Lands Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Gananoque Lands Act, 1961-62* is amended by adding thereto the following section: 1961-62,
c. 49,
amended

3a. The Minister of Lands and Forests may dispose of any ^{Idem} part of the lands described in the Schedule hereto that is not granted under section 2 or 3 before this section comes into force for such consideration and subject to such terms and conditions as he may determine.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Gananoque Lands Amendment Act, 1971*. Short title

BILL 31

An Act to amend
The Gananogue Lands Act,
1961-62

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

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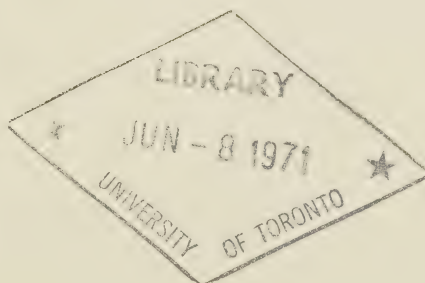
BILL 31

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

*Government
Publication*

An Act to amend The Gananoque Lands Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests



BILL 31

1971

**An Act to amend
The Gananoque Lands Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Gananoque Lands Act, 1961-62* is amended by adding thereto the following section: 1961-62,
c. 49,
amended

3a. The Minister of Lands and Forests may dispose of any ^{Idem} part of the lands described in the Schedule hereto that is not granted under section 2 or 3 before this section comes into force for such consideration and subject to such terms and conditions as he may determine.

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent. ^{ment}

3. This Act may be cited as *The Gananoque Lands Amend-* ^{Short title}
ment Act, 1971.

An Act to amend
The Gananoque Lands Act,
1961-62

1st Reading

April 27th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

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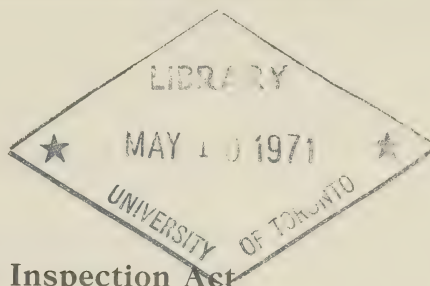
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BILL 32

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Fish Inspection Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendments create uniformity with provisions of the *Fish Inspection Act* (Canada).

BILL 32

1971

An Act to amend The Fish Inspection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *a*,
re-enacted

- (*a*) “container” means any type of receptacle, package, wrapper or confining band used in holding, storing, packing or marketing fish.

(2) Clause *d* of the said section 1, as re-enacted by section 1 of *The Fish Inspection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *d*
(1968-69,
c. 39, s. 1),
re-enacted

- (*d*) “inspector” means a person appointed by the Minister as an inspector under this Act or a person declared to be an inspector, *ex-officio*, under this Act and includes a conservation officer appointed under section 7 of *The Game and Fish Act, 1961-62*.

1961-62,
c. 48

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *g*,
re-enacted

- (*g*) “processing” includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other way.

2. Subsection 1 of section 6 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 6,
subs. 1,
re-enacted

- (1) No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption that is tainted, decomposed or unwholesome.

Fish for sale
to be fit for
human
consumption

R.S.O. 1960,
c. 150, s. 13,
subs. 1,
amended

3.—(1) Subsection 1 of section 13 of *The Fish Inspection Act*, as amended by subsection 1 of section 1 of *The Fish Inspection Amendment Act, 1961-62* and section 3 of *The Fish Inspection Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

(ab) defining for the purposes of section 6, the expressions “tainted”, “decomposed” and “unwholesome”.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. d,
re-enacted

(2) Clause *d* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(d) requiring and governing the issue, form, renewal, transfer, refusal and cancellation of licences for establishments and persons handling, processing, storing, grading, transporting or marketing fish, prescribing their duration, territorial limitations and terms and conditions and exempting classes of establishments and persons.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. f,
re-enacted

(3) Clause *f* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(f) governing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Fish Inspection Amendment Act, 1971*.

An Act to amend
The Fish Inspection Act

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

LAZON
XB
-B56

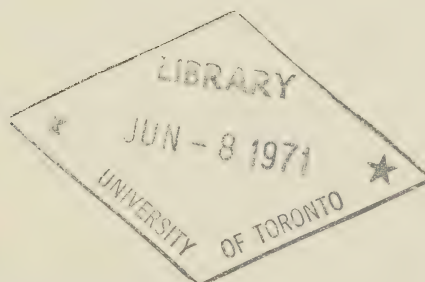
BILL 32

4TH SESSION, 28TH LEGISLATURE, ~~ONTARIO~~
20 ELIZABETH II, 1971

An Act to amend The Fish Inspection Act

Government
Publications

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 32

1971

An Act to amend The Fish Inspection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *a*,
re-enacted

- (a) “container” means any type of receptacle, package, wrapper or confining band used in holding, storing, packing or marketing fish.

(2) Clause *d* of the said section 1, as re-enacted by section 1 of *The Fish Inspection Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *d*
(1968-69,
c. 39, s. 1),
re-enacted

- (d) “inspector” means a person appointed by the Minister as an inspector under this Act or a person declared to be an inspector, *ex-officio*, under this Act and includes a conservation officer appointed under section 7 of *The Game and Fish Act, 1961-62*.

1961-62,
c. 48

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 1,
cl. *g*,
re-enacted

- (g) “processing” includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other way.

2. Subsection 1 of section 6 of *The Fish Inspection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 150, s. 6,
subs. 1,
re-enacted

- (1) No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption that is tainted, decomposed or unwholesome.

Fish for sale
to be fit for
human
consumption

R.S.O. 1960,
c. 150, s. 13,
subs. 1,
amended

3.—(1) Subsection 1 of section 13 of *The Fish Inspection Act*, as amended by subsection 1 of section 1 of *The Fish Inspection Amendment Act, 1961-62* and section 3 of *The Fish Inspection Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

(ab) defining for the purposes of section 6, the expressions “tainted”, “decomposed” and “unwholesome”.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. d,
re-enacted

(2) Clause *d* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(d) requiring and governing the issue, form, renewal, transfer, refusal and cancellation of licences for establishments and persons handling, processing, storing, grading, transporting or marketing fish, prescribing their duration, territorial limitations and terms and conditions and exempting classes of establishments and persons.

R.S.O. 1960,
c. 150, s. 13,
subs. 1, cl. f,
re-enacted

(3) Clause *f* of subsection 1 of the said section 13 is repealed and the following substituted therefor:

(f) governing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Fish Inspection Amendment Act, 1971*.

An Act to amend
The Fish Inspection Act

1st Reading

April 27th, 1971

2nd Reading

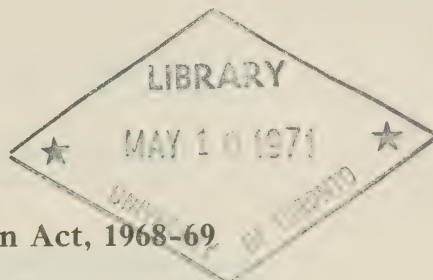
May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Election Act, 1968-69.

MR. YOUNG

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to reduce the age of persons who may vote at provincial elections from twenty-one years to eighteen years.

An Act to amend The Election Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 9 of *The Election Act, 1968-69*, is amended by striking out “twenty-one” and inserting in lieu thereof “eighteen”.
1968-69,
c. 33, s. 9,
subs. 1,
cl. a,
amended

2. This Act comes into force on the day it receives Royal Assent.
Commence-
ment

3. This Act may be cited as *The Election Amendment Act*,
Short title
 1971.

An Act to amend
The Election Act, 1968-69

1st Reading

April 27th, 1971

2nd Reading

3rd Reading

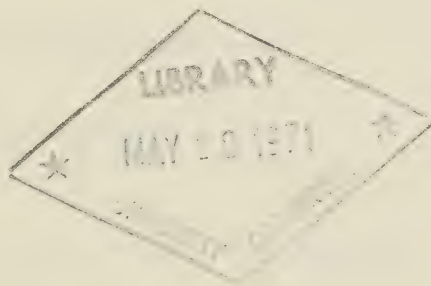
MR. YOUNG

(*Private Member's Bill*)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Municipal Franchise Extension Act**

MR. KENNEDY



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to permit persons on the resident voters' list, as for example persons residing in mobile homes, to vote at elections for members of local boards.

An Act to amend The Municipal Franchise Extension Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Municipal Franchise Extension Act*, R.S.O. 1960, c. 254, s. 6, amended as amended by section 1 of *The Municipal Franchise Extension Amendment Act, 1965*, is further amended by inserting after "council" in the third line "and at elections for members of local boards as defined in *The Department of Municipal Affairs Act*", so that the section shall read as follows:

6. The certified resident voters' list is final and conclusive evidence that every person named thereon is entitled to vote at municipal elections for members of council and at elections for members of local boards as defined in *The Department of Municipal Affairs Act* and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote, except, Effect of certified list
R.S.O. 1960, c. 98

- (a) persons not resident in the municipality on the day of polling; and
- (b) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified.

2. This Act comes into force on the day it receives Commence-
ment Royal Assent.

3. This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1971*. Short title

An Act to amend
The Municipal Franchise
Extension Act

1st Reading

April 29th, 1971

2nd Reading

3rd Reading

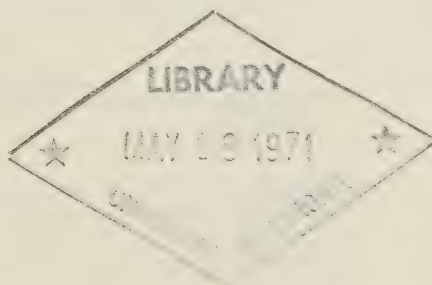
MR. KENNEDY

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. DALTON A. BALES
Minister of Municipal Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Complementary to section 3 of the Bill.

SECTION 2. Self-explanatory.

SECTION 3. The \$50,000 limit on annual expenses for the entertainment of visitors and travel as provided in section 410 of *The Municipal Act* is removed.

SECTION 4. Self-explanatory.

BILL 35

1971

**An Act to amend
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Municipality of Metropolitan Toronto Act* is repealed. R.S.O. 1960,
c. 260, s. 2,
subs. 3,
repealed

2. Section 223 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

(1a) In addition to the powers that may be exercised under subsection 1, the Council has power to let from year to year, or for any time not exceeding ten years the right to sell, subject to *The Liquor Licence Act*, spirituous, fermented or intoxicating liquors within metropolitan parks under such regulations as the Council may prescribe. Sale of
spirituous,
etc.,
liquors in
parks
R.S.O. 1960,
c. 218

3. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

256a. The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 410 of *The Municipal Act*. Expenses for
entertaining
guests and
for travelling
on civic
business
R.S.O. 1960,
c. 249

4.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Albert Street and the north limit of Adelaide Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one seven-day period in the year 1971, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and Pedestrian
promenade,
Yonge St.

for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Right to
damages
by reason
of creation
of promenade

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation of any nature whatsoever from the Metropolitan Corporation or The Corporation of the City of Toronto arising from the exercise by the Metropolitan Corporation of its powers under this section.

Commence-
ment

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 3rd day of May, 1971.

Short title

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971*.

BILL 35

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

THE HON. DALTON A. BALES
Minister of Municipal Affairs

(Government Bill)

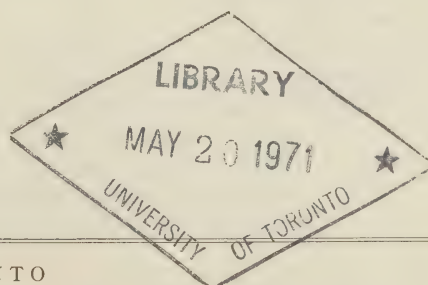
4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publication

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. DALTON A. BALES
Minister of Municipal Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Complementary to section 3 of the Bill.

SECTION 2. Self-explanatory.

SECTION 3. The \$50,000 limit on annual expenses for the entertainment of visitors and travel as provided in section 410 of *The Municipal Act* is removed.

SECTION 4. Self-explanatory.

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Municipality of Metropolitan Toronto Act* is repealed. R.S.O. 1960,
c. 260, s. 2,
subs. 3,
repealed

2. Section 223 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

(1a) In addition to the powers that may be exercised under subsection 1, the Council has power to let from year to year, or for any time not exceeding ten years the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder spirituous, fermented or intoxicating liquors within metropolitan parks under such regulations as the Council may prescribe. Sale of
spirituous,
etc.,
liquors in
parks
R.S.O. 1960,
c. 218

3. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

256a. The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 410 of *The Municipal Act*. Expenses for
entertaining
guests and
for travelling
on civic
business
R.S.O. 1960,
c. 249

4.—(1) The Metropolitan Council may pass by-laws for establishing that part of Yonge Street between the south limit of Albert Street and the north limit of Adelaide Street or any part or parts thereof in the City of Toronto solely or principally as a pedestrian promenade for one seven-day period in the year 1971, and for prohibiting the use thereof Pedestrian
promenade,
Yonge St.

by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

Right to
damages
by reason
of creation
of promenade

(2) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street arising from the exercise by the Metropolitan Corporation of its powers under this section.

Commence-
ment

5.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 3rd day of May, 1971.

Short title

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1971*.

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 3rd, 1971

2nd Reading

May 4th, 1971

3rd Reading

THE HON. DALTON A. BATES
Minister of Municipal Affairs

*(Reprinted as amended by the Committee
of the Whole House)*

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-B 56

BILL 36

Government Bill

Government
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Expropriations Act, 1968-69

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment ensures that the Metropolitan Toronto School Board is an approving authority in the same manner as other school boards.

SECTIONS 2 AND 3. The amendments permit costs to be determined by a taxing officer of the Supreme Court.

BILL 36

1971

**An Act to amend
The Expropriations Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsection: 1968-69,
c. 36, s. 5,
amended

(1a) For the purposes of clause *b* of subsection 1, the Metropolitan Toronto School Board shall be deemed to be an elected school board. Idem,
Metropolitan
Toronto
School
Board

2. Section 33 of *The Expropriations Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 36, s. 33,
re-enacted

33.—(1) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is 85 per cent, or more, of the amount offered by the statutory authority, the Board shall make an order directing the statutory authority to pay the reasonable legal, appraisal and other costs actually incurred by the owner for the purposes of determining the compensation payable, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with this subsection and the tariffs and rules prescribed under clause *d* of section 45. Costs

(2) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is less than 85 per cent of the amount offered by the statutory authority, the Board may make such order, if any, for the payment of costs as it considers appropriate, and may fix the costs in a Idem

lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with the order and the tariffs and rules prescribed under clause *d* of section 45 in like manner to the taxation of costs awarded on a party and party basis.

1968-69,
c. 36, s. 45,
amended

3. Section 45 of *The Expropriations Act, 1968-69* is amended by adding thereto the following clause:

(*d*) prescribing tariffs of costs and rules to be applied by taxing officers for the purposes of section 33.

1968-69,
c. 36, s. 46,
amended

4. Section 46 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsections:

Jurisdiction
of tribunals

(3) Notwithstanding subsections 1 and 2, on and after the 1st day of December, 1970 the Land Compensation Board appointed under section 28 has jurisdiction, and on and after the 1st day of April, 1971 has sole jurisdiction, to determine compensation by arbitration in respect of every expropriation whether commenced under this or any other Act, except that where a tribunal under this or any other Act, has heard any evidence in a proceeding to determine compensation by arbitration, such tribunal retains jurisdiction for the purpose of completing the proceedings and for the purpose of dealing with matters referred to it under clause *a* of subsection 3 of section 32.

Transmission
of material

(4) Where a notice of arbitration or an application for arbitration under this or any other Act was filed before the 1st day of April, 1971 with a tribunal other than the Land Compensation Board and no evidence has been heard in respect of the arbitration, the notice or application and any documents relating thereto shall be deemed to have been filed with the Land Compensation Board.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

6. This Act may be cited as *The Expropriations Amendment Act, 1971*.

SECTION 4. Under the present Act, the old, uncompleted expropriations are continued before the tribunals provided for in *The Expropriation Procedures Act, 1962-63*. These are the Ontario Municipal Board, official arbitrators and county court judges. The new provision would have the new Land Compensation Board act as arbitrator in all these cases except where hearings have actually commenced.

An Act to amend
The Expropriations Act, 1968-69

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

CA20N

X8

-B 56

BILL 36

4TH SESSION, 28TH LEGISLATURE, ~~ONTARIO~~
20 ELIZABETH II, 1971

An Act to amend The Expropriations Act, 1968-69

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 36

1971

**An Act to amend
The Expropriations Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsection: 1968-69,
c. 36, s. 5,
amended

(1a) For the purposes of clause *b* of subsection 1, the Metropolitan Toronto School Board shall be deemed to be an elected school board. Idem,
Metropolitan
Toronto
School
Board

2. Section 33 of *The Expropriations Act, 1968-69* is repealed and the following substituted therefor: 1968-69,
c. 36, s. 33,
re-enacted

33.—(1) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is 85 per cent, or more, of the amount offered by the statutory authority, the Board shall make an order directing the statutory authority to pay the reasonable legal, appraisal and other costs actually incurred by the owner for the purposes of determining the compensation payable, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with this subsection and the tariffs and rules prescribed under clause *d* of section 45. Costs

(2) Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Board and the amount awarded by the Board is less than 85 per cent of the amount offered by the statutory authority, the Board may make such order, if any, for the payment of costs as it considers appropriate, and may fix the costs in a Idem

lump sum or may order that the determination of the amount of such costs be referred to a taxing officer of the Supreme Court who shall tax and allow the costs in accordance with the order and the tariffs and rules prescribed under clause *d* of section 45 in like manner to the taxation of costs awarded on a party and party basis.

1968-69,
c. 36, s. 45,
amended

3. Section 45 of *The Expropriations Act, 1968-69* is amended by adding thereto the following clause:

(d) prescribing tariffs of costs and rules to be applied by taxing officers for the purposes of section 33.

1968-69,
c. 36, s. 46,
amended

4. Section 46 of *The Expropriations Act, 1968-69* is amended by adding thereto the following subsections:

Jurisdiction
of tribunals

(3) Notwithstanding subsections 1 and 2, on and after the 1st day of December, 1970 the Land Compensation Board appointed under section 28 has jurisdiction, and on and after the 1st day of April, 1971 has sole jurisdiction, to determine compensation by arbitration in respect of every expropriation whether commenced under this or any other Act, except that where a tribunal under this or any other Act, has heard any evidence in a proceeding to determine compensation by arbitration, such tribunal retains jurisdiction for the purpose of completing the proceedings and for the purpose of dealing with matters referred to it under clause *a* of subsection 3 of section 32.

Transmission
of material

(4) Where a notice of arbitration or an application for arbitration under this or any other Act was filed before the 1st day of April, 1971 with a tribunal other than the Land Compensation Board and no evidence has been heard in respect of the arbitration, the notice or application and any documents relating thereto shall be deemed to have been filed with the Land Compensation Board.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

6. This Act may be cited as *The Expropriations Amendment Act, 1971*.

An Act to amend
The Expropriations Act, 1968-69

1st Reading

May 3rd, 1971

2nd Reading

May 11th, 1971

3rd Reading

May 11th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

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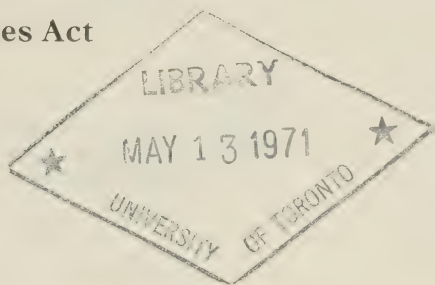
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BILL 37

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Wages Act



THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The portion repealed ensured that the 70 per cent exemption from seizure by court attachment would leave at least \$2.50 per day out of wages.

Subsection 2. The provision repealed lifts the exemption from seizure where the debt is for board or lodging or where the debtor has no dependents.

Subsection 3. The prohibition against wage assignments enacted in 1968 did not apply to those previously given. The amendment invalidates all wage assignments including those now outstanding.

BILL 37

1971

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Wages Act* is amended by striking out “and provided further that this section applies only where the amount of such exemption exceeds the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor’s wages not exceeding the sum of \$2.50 for each working day represented by the wages seized or attached is in all cases exempt from seizure or attachment” in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 421, s. 7,
subs. 1,
amended

- (1) Seventy per cent of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages is exempt from seizure or attachment, provided that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as 70 per cent of such debtor’s wages should be exempt, the judge may in any particular case, upon a hearing of the matter, reduce such percentage of exemption.

Extent of
exemption
from seizure
or attach-
ment

- (2) Subsection 2 of the said section 7 is repealed.

R.S.O. 1960,
c. 421, s. 7,
subs. 2,
repealed

- (3) Subsection 6 of the said section 7, as re-enacted by section 1 of *The Wages Amendment Act, 1968*, is amended by inserting after “debt” in the second line “whether heretofore or hereafter given”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 421, s. 7,
subs. 6
(1968, c. 142,
s. 1), amended

Wage
assignments

(6) Subject to subsection 7, an assignment of wages or any portion thereof to secure payment of a debt whether heretofore or hereafter given is invalid.

1968, c. 142,
s. 2, repealed

2. Section 2 of *The Wages Amendment Act, 1968* is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Wages Amendment Act, 1971*.

SECTION 2. Complementary to subsection 3 of section 1.

An Act to amend
The Wages Act

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

(*Government Bill*)

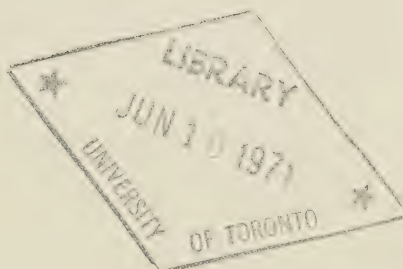
BILL 37

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Copy
Public

An Act to amend The Wages Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Wages Act* is amended by striking out “and provided further that this section applies only where the amount of such exemption exceeds the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor’s wages not exceeding the sum of \$2.50 for each working day represented by the wages seized or attached is in all cases exempt from seizure or attachment” in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth lines, so that the subsection shall read as follows:

- (1) Seventy per cent of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages is exempt from seizure or attachment, provided that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as 70 per cent of such debtor’s wages should be exempt, the judge may in any particular case, upon a hearing of the matter, reduce such percentage of exemption.

- (2) Subsection 2 of the said section 7 is repealed.

R.S.O. 1960,
c. 421, s. 7,
subs. 2,
repealed

- (3) Subsection 6 of the said section 7, as re-enacted by section 1 of *The Wages Amendment Act, 1968*, is amended by inserting after “debt” in the second line “whether heretofore or hereafter given”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 421, s. 7,
subs. 6
(1968, c. 142,
s. 1), amended

Wage
assignments

(6) Subject to subsection 7, an assignment of wages or any portion thereof to secure payment of a debt whether heretofore or hereafter given is invalid.

1968, c. 142,
s. 2, repealed

2. Section 2 of *The Wages Amendment Act, 1968* is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Wages Amendment Act, 1971*.

An Act to amend
The Wages Act

1st Reading

May 3rd, 1971

2nd Reading

May 11th, 1971

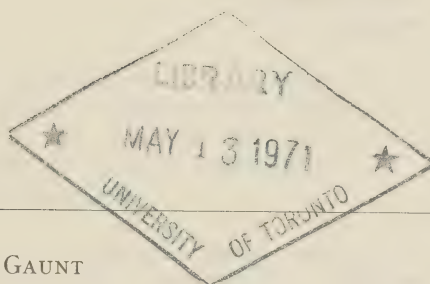
3rd Reading

May 20th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

4TH SESSION 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to prohibit the Use of Non-Returnable Bottles



MR. GAUNT

EXPLANATORY NOTE

Self-explanatory.

BILL 38

1971

An Act to prohibit the Use of Non-Returnable Bottles

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “non-returnable bottle” means a breakable container used or designed for use as a container of a fluid beverage that is sold on the condition that it is not redeemable for money or money’s worth on its return when emptied of its contents.

2. No person shall manufacture, import into Ontario, sell or offer for sale any fluid beverage that is contained in a non-returnable bottle.

Use of
non-
returnable
bottles
prohibited

3. Every person who contravenes section 2 is guilty of an offence and is liable on summary conviction to a fine of not less than \$25 and not more than \$500.

Offence

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

5. This Act may be cited as *The Non-Returnable Bottles Act, 1971*.

Short title

BILL 38

An Act to prohibit
the Use of Non-Returnable Bottles

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

MR. GAUNT

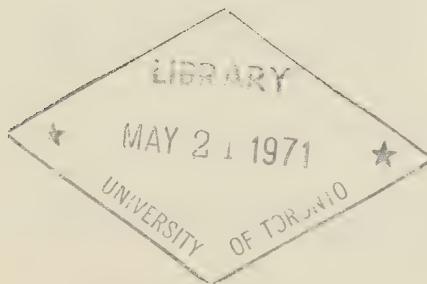
(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Highway Traffic Act

Publication

MR. BREITHAUP



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

||

BILL 39

1971

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 62 of *The Highway Traffic Act*, as amended by R.S.O. 1960, c. 172, s. 62, amended section 47 of *The Highway Traffic Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

- (2) Where the Lieutenant Governor in Council has made Minimum speed on controlled-access highways regulations prescribing a higher rate of speed upon a highway that is designated as a controlled-access highway under *The Highway Improvement Act* than R.S.O. 1960, c. 171 the rate of speed prescribed in this Act, subject to subsection 3, no person shall drive a motor vehicle on such highway at a lesser rate of speed than 40 miles per hour.
- (3) Where because of the gradient, its load or mechanical When minimum speed cannot be maintained trouble a commercial motor vehicle cannot maintain the minimum speed prescribed by subsection 2, such vehicle shall while proceeding at such lower rate of speed be driven at all times in the outer or curb lane and shall have four emergency flasher lights in operation during the whole of the time it is proceeding at such lower rate of speed.

2. This Act comes into force on the day it receives Royal Commencement Assent.

3. This Act may be cited as *The Highway Traffic Amendment Act, 1971*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

MR. BREITHAUPT

(Private Member's Bill)

CAZON

XB

-B56

BILL 40

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Consolidated
Table

**An Act to amend
The Private Investigators and Security Guards Act, 1965**

MR. BREITHAAPT



EXPLANATORY NOTE

The repealed clause exempted from the Act the activities of credit bureaus and other commercial reporting agencies.

BILL 40

1971

**An Act to amend
The Private Investigators and Security
Guards Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 2 of *The Private Investigators and Security Guards Act, 1965* is repealed. 1965, c. 102,
s. 2, cl. b,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Private Investigators and Security Guards Amendment Act, 1971*. Short title

An Act to amend
The Private Investigators and
Security Guards Act, 1965

1st Reading

May 3rd, 1971

2nd Reading

3rd Reading

MR. BREITHAUPF

(Private Member's Bill)

CA20N

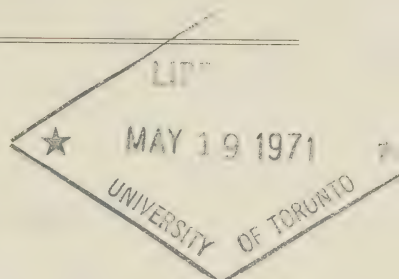
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~~B 56~~

BILL 41

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Workmen's Compensation Act

MR. DE MONTE

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill provides for monthly payments to the widow of a workman killed in an industrial accident of 70 per cent of the average earnings of the workman.

The Bill further provides for minimum compensation to an injured workman of at least 85 per cent of his average weekly earnings during a time of temporary total disability:

BILL 41

1971

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c* and *d* of subsection 1 of section 37 of *The Workmen's Compensation Act*, as re-enacted by sub-^{R.S.O. 1960, c. 437, s. 37, subs. 1} section 1 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, are repealed and the following^{(1968, c. 143, s. 7, subs. 1), re-enacted} substituted therefor:

- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of 70 per cent of the average monthly earnings of the workman;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of 70 per cent of the average monthly earnings of the workman, with an additional monthly payment of \$50 to be increased upon the death of the widow or invalid husband to \$60 for each child under the age of sixteen years.

(2) Clause *b* of subsection 3 of the said section 37, as^{R.S.O. 1960, c. 437, s. 37, subs. 3} re-enacted by subsection 2 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, is amended by striking^{(1968, c. 143, s. 7, subs. 2),} out "not exceeding in the whole \$275" in the sixth and^{cl. b, amended} seventh lines.

(3) Clause *c* of subsection 3 of the said section 37, as^{R.S.O. 1960, c. 437, s. 37, subs. 3} re-enacted by subsection 2 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, is amended by striking^{(1968, c. 143, s. 7, subs. 2),} out "not exceeding in the whole \$275" in the second line.^{cl. c, amended}

2. Section 40 of *The Workmen's Compensation Act*, as^{R.S.O. 1960, c. 437, s. 40} re-enacted by section 8 of *The Workmen's Compensation Amendment Act, 1968*, is repealed and the following sub-^{(1968, c. 143, s. 8), re-enacted}stituted therefor:

Temporary
total dis-
ability

40. Where temporary total disability results from the injury, the compensation shall be a minimum weekly payment of at least 85 per cent of the workman's average weekly earnings, such sum to be determined by the Board, and payable so long as the disability lasts.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1971*.

BILL 41

An Act to amend
The Workmen's Compensation Act

1st Reading

May 4th, 1971

2nd Reading

3rd Reading

MR. DE MONTE

(Private Member's Bill)

CAZON
XB
-B56

BILL 42

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publication

An Act to amend The Used Car Dealers Act, 1968-69

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



EXPLANATORY NOTE

The Used Car Dealers Act, 1968-69 is extended to include new car dealers and the title of the Act is changed to correspond.

**An Act to amend
The Used Car Dealers Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

1968-69,
c. 136,
long title,
re-enacted

The Motor Vehicle Dealers Act, 1968-69

2.—(1) Section 1 of *The Used Car Dealers Act, 1968-69* is amended by adding thereto the following clauses:

1968-69,
c. 136, s. 1,
amended

(ca) “motor vehicle” means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but not including a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

(cb) “motor vehicle dealer” means a person who carries on the business of buying or selling motor vehicles, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling motor vehicles.

(2) Clauses *f*, *h*, *j* and *k* of the said section 1 are repealed and the following substituted therefor:

1968-69,
c. 136, s. 1,
cls. *f*, *h*,
re-enacted;
cls. *j*, *k*,
repealed

(f) “Registrar” means the Registrar of Motor Vehicle Dealers and Salesmen;

(h) “salesman” means a person employed, appointed or authorized by a dealer to buy or sell motor vehicles on the dealer’s behalf.

1968-69,
c. 136, s. 2,
subs. 1,
re-enacted

3. Subsection 1 of section 2 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Registrar

- (1) There shall be a Registrar of Motor Vehicle Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council.

Amendment
of references
to "used
car", "used
car dealer"
or "used car
salesman"

4. *The Used Car Dealers Act, 1968-69* is amended by striking out "used car", "used car dealer" and "used car salesman", and their plural forms, wherever they occur and inserting in lieu thereof in each instance "motor vehicle", "motor vehicle dealer" or "motor vehicle salesman" or its plural form, respectively.

1968-69,
c. 136, s. 38,
re-enacted

5.—(1) Section 38 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Short title

38. This Act may be cited as *The Motor Vehicle Dealers Act, 1968-69*.

Amendment
of references
to *The Used
Car Dealers
Act, 1968-69*

(2) Unless the context otherwise requires, a reference to *The Used Car Dealers Act, 1964* or *The Used Car Dealers Act, 1968-69* in any statute, regulation or document shall be deemed to be a reference to *The Motor Vehicle Dealers Act, 1968-69*.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Used Car Dealers Amendment Act, 1971*.

An Act to amend
The Used Car Dealers Act, 1968-69

1st Reading

May 6th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

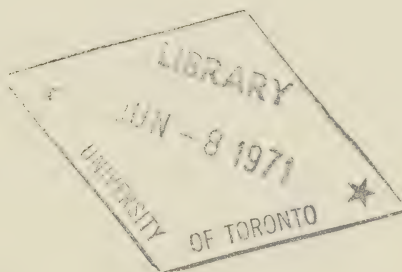
BILL 42

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Used Car Dealers Act, 1968-69

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 42

1971

**An Act to amend
The Used Car Dealers Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title of *The Used Car Dealers Act, 1968-69* is <sup>1968-69,
c. 136,
long title,
re-enacted</sup> repealed and the following substituted therefor:

The Motor Vehicle Dealers Act, 1968-69

2.—(1) Section 1 of *The Used Car Dealers Act, 1968-69* is <sup>1968-69,
c. 136, s. 1,
amended</sup> amended by adding thereto the following clauses:

(ca) “motor vehicle” means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but not including a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

(cb) “motor vehicle dealer” means a person who carries on the business of buying or selling motor vehicles, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling motor vehicles.

(2) Clauses *f*, *h*, *j* and *k* of the said section 1 are repealed and the following substituted therefor:

(f) “Registrar” means the Registrar of Motor Vehicle Dealers and Salesmen;

<sup>1968-69,
c. 136, s. 1,
cls. *f*, *h*,
re-enacted;
cls. *j*, *k*,
repealed</sup>

(h) “salesman” means a person employed, appointed or authorized by a dealer to buy or sell motor vehicles on the dealer’s behalf.

1968-69,
c. 136, s. 2,
subs. 1,
re-enacted

3. Subsection 1 of section 2 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Registrar

- (1) There shall be a Registrar of Motor Vehicle Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council.

Amendment
of references
to "used
car", "used
car dealer"
or "used car
salesman"

4. *The Used Car Dealers Act, 1968-69* is amended by striking out "used car", "used car dealer" and "used car salesman", and their plural forms, wherever they occur and inserting in lieu thereof in each instance "motor vehicle", "motor vehicle dealer" or "motor vehicle salesman" or its plural form, respectively.

1968-69,
c. 136, s. 38,
re-enacted

5.—(1) Section 38 of *The Used Car Dealers Act, 1968-69* is repealed and the following substituted therefor:

Short title

38. This Act may be cited as *The Motor Vehicle Dealers Act, 1968-69*.

Amendment
of references
to *The Used
Car Dealers
Act, 1968-69*

(2) Unless the context otherwise requires, a reference to *The Used Car Dealers Act, 1964* or *The Used Car Dealers Act, 1968-69* in any statute, regulation or document shall be deemed to be a reference to *The Motor Vehicle Dealers Act, 1968-69*.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Used Car Dealers Amendment Act, 1971*.

An Act to amend
The Used Car Dealers Act, 1968-69

1st Reading

May 6th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

CA20N

XB

-B56

BILL 43

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Crown Timber Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment provides for the inclusion in Crown management units of private lands on which the timber is vested in the Crown.

SECTION 2. The Minister is authorized to direct licensees to offer to mill owners or operators the first opportunity to purchase timber.

SECTION 3. Complementary to section 2 and provides penalties for failure to comply with a direction of the Minister.

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Crown Timber Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 83, s. 4,
re-enacted

4. The Minister, with the approval of the Lieutenant Governor in Council, may designate any public lands and other lands on which trees are vested in Her Majesty in right of Ontario as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as they agree upon. Crown
management
units

2. *The Crown Timber Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 83,
amended

- 15a.—(1) The Minister, by written notice containing such provisions as he considers proper, may direct a licensee to offer to the owner or operator of the mill specified therein the first opportunity to purchase the kind or class of timber produced from time to time by the licensee. Supplying
mills with
timber

- (2) The Minister may by written notice amend, vary or revoke any notice issued pursuant to subsection 1. Amendment
of notice

3. Subsection 1 of section 47 of *The Crown Timber Act*, as amended by section 12 of *The Crown Timber Amendment Act, 1964* and section 9 of *The Crown Timber Amendment Act, 1966*, is further amended by adding thereto the following clause: R.S.O. 1960,
c. 83, s. 47,
subs. 1,
amended

- (k) fails to comply with a written notice issued under section 15a is liable to a penalty of not less than \$25 and not more than \$1,000 for the first failure

to comply and not less than \$50 and not more than \$5,000 for each subsequent failure to comply.

R.S.O. 1960,
c. 83,
amended

4. *The Crown Timber Act* is amended by adding thereto the following section:

Regulations
may be
limited

53. Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Crown Timber Amendment Act, 1971*.

SECTION 4. Self-explanatory.

BILL 43

An Act to amend
The Crown Timber Act

1st Reading

May 6th, 1971

2nd Reading

3rd Reading

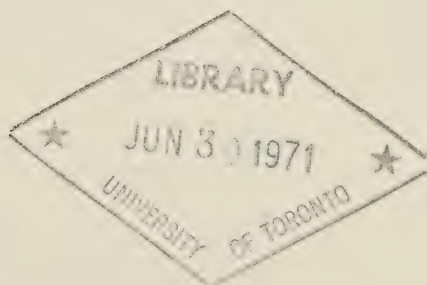
THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crown Timber Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 43

1971

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Crown Timber Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 83, s. 4,
re-enacted
 4. The Minister, with the approval of the Lieutenant Governor in Council, may designate any public lands and other lands on which trees are vested in Her Majesty in right of Ontario as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as they agree upon. Crown
management
units
2. *The Crown Timber Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 83,
amended
 - 15a.—(1) The Minister, by written notice containing such provisions as he considers proper, may direct a licensee to offer to the owner or operator of the mill specified therein the first opportunity to purchase the kind or class of timber produced from time to time by the licensee. Supplying
mills with
timber
 - (2) The Minister may by written notice amend, vary or revoke any notice issued pursuant to subsection 1. Amendment
of notice
3. Subsection 1 of section 47 of *The Crown Timber Act*, as amended by section 12 of *The Crown Timber Amendment Act, 1964* and section 9 of *The Crown Timber Amendment Act, 1966*, is further amended by adding thereto the following clause: R.S.O. 1960,
c. 83, s. 47,
subs. 1,
amended
 - (k) fails to comply with a written notice issued under section 1 a is liable to a penalty of not less than \$25 and not more than \$1,000 for the first failure

to comply and not less than \$50 and not more than \$5,000 for each subsequent failure to comply.

R.S.O. 1960,
c. 83,
amended

4. *The Crown Timber Act* is amended by adding thereto the following section :

Regulations
may be
limited

53. Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Crown Timber Amendment Act, 1971*.

An Act to amend
The Crown Timber Act

1st Reading

May 6th, 1971

2nd Reading

May 27th, 1971

3rd Reading

June 17th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

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-B 56

BILL 44

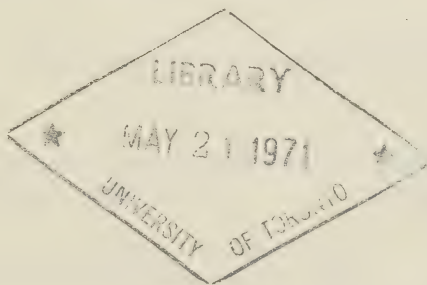
Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Library
Acquisition

An Act to control the Administering of Lie-Detector Tests

MR. TROTTER



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to eliminate the use of lie-detector tests except with the written consent of the person to be tested and the approval of the Minister of Justice and Attorney General.

An Act to control the Administering of Lie-Detector Tests

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "lie-detector" means a device or means^{Lie-detector defined} of recording, by polygraph or otherwise, the chemical or biological reaction of a person uttering an intentional falsehood.

2.—(1) No person shall administer a lie-detector test to^{Administering of tests} another except,

- (a) with the consent in Form 1 of the person to be examined; and
- (b) with the consent of the Minister of Justice and Attorney General.

(2) Clause *b* of subsection 1 does not apply to members^{Exception} of police forces.

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,^{Consequence of giving or refusal of consent}

- (a) coerce another person to consent to take a lie-detector test or hold out a consequence in the event of refusal;
- (b) draw any inference from a refusal to consent to take a lie-detector test; or
- (c) discriminate against a person who refuses to consent to take a lie-detector test or base any decision or course of action on the giving or refusing of consent.

Penalty

4. Any person who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Short title

5. This Act may be cited as *The Lie-Detector Test Act, 1971*.

FORM 1

(Section 2 (1) (a))

CONSENT TO SUBMIT TO A LIE-DETECTOR TEST

I hereby consent to take
(name)

a lie-detector test administered by
(name)

on the day of , 19.....

I understand that under *The Lie-Detector Test Act, 1971*, it is my right to refuse without incurring any consequence.

Signed at this day of , 19.....

.....
(Witness)

.....
(Signature)

An Act to control
the Administering of
Lie-Detector Tests

1st Reading

May 6th, 1971

2nd Reading

3rd Reading

MR. TROTTER

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

GOVERNMENT
OF ONTARIO

An Act to amend The Income Tax Act, 1961-62

THE HON. E. A. WINKLER
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment contained in this Bill provides that the tax payable by individuals for the 1972 taxation year shall be 28 per cent of the basic tax payable under the Federal Act for that taxation year.

BILL 45

1971

**An Act to amend
The Income Tax Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*,^{1961-62, c. 60, s. 3, subs. 3, amended} as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968*, section 1 of *The Income Tax Amendment Act, 1968-69* and section 1 of *The Income Tax Amendment Act, 1970 (No. 2)*, is further amended by striking out "and" at the end of clause *h* in the amendment of 1970, by adding "and" at the end of clause *i* in the amendment of 1970 and by adding thereto the following clause:

(j) 28 per cent in respect of the 1972 taxation year.

2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>

3. This Act may be cited as *The Income Tax Amendment Act, 1971*.^{Short title}

BILL 45

An Act to amend
The Income Tax Act, 1961-62

1st Reading

May 13th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

(Government Bill)

CA20N

XB

-B56

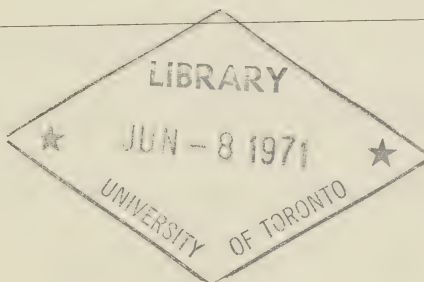
BILL 45

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Income Tax Act, 1961-62

Government
Publications

THE HON. E. A. WINKLER
Minister of Revenue



TORONTO

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BILL 45

1971

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*, ^{1961-62, c. 60, s. 3, subs. 3, amended} as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968*, section 1 of *The Income Tax Amendment Act, 1968-69* and section 1 of *The Income Tax Amendment Act, 1970 (No. 2)*, is further amended by striking out "and" at the end of clause *h* in the amendment of 1970, by adding "and" at the end of clause *i* in the amendment of 1970 and by adding thereto the following clause:

(j) 28 per cent in respect of the 1972 taxation year.

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent.^{ment}

3. This Act may be cited as *The Income Tax Amendment* ^{Short title}*Act, 1971.*

An Act to amend
The Income Tax Act, 1961-62

1st Reading

May 13th, 1971

2nd Reading

May 27th, 1971

3rd Reading

May 27th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

CA20N

XB

-B 56

BILL 46

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

D.L.P.

The Noise Pollution Control Act, 1971

MR. BURR



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Act is to establish a means of regulating, controlling and prohibiting excess noise in the surrounding environment.

The Noise Pollution Control Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Noise Pollution Control Advisory Board;
- (b) "Department" means the Department of Health;
- (c) "Minister" means the Minister of Health;
- (d) "noise pollution" means any level of noise that may cause discomfort to or endanger the health or safety of persons or animal life or that may cause injury or damage to property;
- (e) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;
- (f) "regulations" means the regulations made under this Act.

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

Powers and
duties of
Minister

- (a) investigate noise pollution problems;
- (b) conduct research in the field of noise pollution;
- (c) conduct noise studies and monitoring programmes;
- (d) convene conferences, conduct seminars and educational programmes in the field of noise pollution;

(e) publish and disseminate information on noise pollution;

(f) appoint committees to perform such advisory functions as the Minister deems desirable.

Delegation
of powers
to officer

3. The Minister may authorize any officer or officers of the Department to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations.

Advisory
Board

4.—(1) A board to be known as "The Noise Pollution Control Advisory Board" shall be established consisting of not more than twelve members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary.

Members

(2) The composition of the Board shall be such as to provide for competent and knowledgeable persons in the engineering, medical, urban planning, industry, agricultural and labour fields and members at large.

Vacancies

(3) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council.

Duties of
Board

(4) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct.

Provincial
officers

5.—(1) The Minister may designate officers of the Department as provincial officers for the purposes of this Act and the regulations.

Powers of
provincial
officers

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations.

Information

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

Obstructing
provincial
officer

(4) No person shall obstruct a provincial officer in the exercise of his power under this section.

Power to
review, etc.

6.—(1) Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to

review the certificate or order, and the Minister may review, rescind or alter any such certificate or order.

(2) If after a review by the Minister any person complains that it is still not feasible or practicable to comply with the certificate of approval or order, he may, within fifteen days after receipt of the decision of the Minister, ^{Appeal to judge} appeal to a judge of the county or district court of the county or district in which the source of noise pollution in respect of which the certificate or order was issued or made is located, and such appeal shall be a hearing *de novo*, and the judge may dismiss the appeal or rescind or alter any such certificate or order and his decision is final.

7.—(1) No person shall construct a source of noise pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any noise from the source and to prevent noise pollution. ^{Approval to creation of new source of noise pollution required}

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of noise pollution as the Minister may require. ^{Application, plans, etc.}

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any noise from the source of noise pollution, and for the prevention of noise pollution as the Minister deems necessary. ^{Certificate of approval}

(4) No person shall construct a source of noise pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued. ^{Construction in accordance with approval}

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time. ^{Expiration of certificate of approval}

8.—(1) A provincial officer may survey from time to time any source of noise pollution and after completing such survey shall report thereon with his recommendations, ^{Survey by provincial officer}

(a) respecting the source of noise pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any noise;

(b) respecting the source of noise pollution where no equipment, apparatus, device, mechanism or struc-

ture is involved and such method of operation as may be necessary to prevent or lessen the emission of any noise.

Report to
be sent to
Department
and
operator

(2) The provincial officer shall file his report and recommendations with the Department and shall serve upon the operator or owner of the source of noise pollution a copy thereof.

Review of
report and
recom-
mendations
by Board

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing.

Counsel

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire.

Report of
Board

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner.

Order of
Minister

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of noise pollution or requiring changes respecting the source of noise pollution or the method of operation or devices employed to prevent or lessen the emission of any noise or to reduce or control noise pollution.

No order
until time
for
requesting
review
expires

(2) No order in respect of a source of noise pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of noise pollution.

Where
pollution
creates
serious
danger to
health

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted any noise that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey

under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such noise including reasons therefor, whereupon such person shall immediately discontinue such emission.

(2) The Minister shall, as soon as possible thereafter and ^{Hearing} in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons.

11.—(1) Where a person complains that noise pollution is ^{Where noise pollution causes damage to live stock} causing or has caused injury or damage to live stock which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.

(2) Upon receipt of a request, the Minister may cause an ^{Request for investigation} investigation to be made and a report prepared of the findings of the investigation.

(3) A copy of the report shall be given to the claimant and ^{Report of investigation} to the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage.

(4) The claimant shall permit the operator or owner of such ^{Right of owner to view damage, etc.} source of noise pollution or his agent to view the injury or damage.

(5) A board of negotiation shall be established consisting ^{Board of negotiation} of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.

(6) Any two members of the board of negotiation con- ^{Quorum} stitute a quorum and are sufficient to perform all the functions of the board on behalf of the board.

(7) The board of negotiation may sit at any place in ^{Place of sitting} Ontario.

(8) If a complainant who has requested an investigation ^{Notice of amount of claim} under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined.

Notice of
negotiation

(9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

Negotiation
proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Sale of
new motor
vehicles and
engines
contrary to
regulations

12.—(1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle complies with the regulations.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Operation
of motor
vehicles
without
effective
system or
device

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle has installed on or incorporated in it such system or device and makes effective use of such system or device.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) classifying sources of noise pollution and exempting any class or classes from the provisions of this Act and the regulations;
- (b) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;

- (c) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of noise, prescribing the standards and specifications of any such system or device, prescribing the standards of emission to which any such system or device shall comply and providing for the testing and inspection of any such system or device;
- (d) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission of noise;
- (e) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;
- (f) prohibiting or regulating and controlling the emission of any noise from any source of noise pollution or any class thereof;
- (g) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;
- (h) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;
- (i) prescribing the noise level of noise criteria to be used in controlling, regulating or prohibiting the emission of any noise and the standards thereof;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may be general or particular in its application and may be limited as to time or place or both. ^{Scope of regulations}

15. Notwithstanding any general or special Act, this Act and the regulations apply in such areas in Ontario as are designated by the regulations. ^{Application of Act and regulations}

16.—(1) Every person who contravenes any provision of this Act, except section 12 or 13, or of the regulations or any ^{Offences}

order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$2,000, and, if a corporation, on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

Idem

(2) Each day that a person contravenes a provision of this Act or the regulations or an order made by the Minister constitutes a separate offence.

Service of
reports,
orders, etc.

17. Any report, order or notice served under this Act shall be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of noise pollution in respect of which the report, order or notice is served, or is delivered,

- (a) in the case of a municipality, including a district, metropolitan or regional municipality, to the head or clerk of the municipality;
- (b) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;
- (c) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein.

Noise
pollution
control
by-laws
R.S.O. 1960,
c. 249

18. Every noise pollution control by-law of a municipality, including a district, metropolitan or regional municipality, passed under *The Municipal Act*, that is in force immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality.

Commence-
ment

19. This Act comes into force on the 1st day of January, 1972.

Short title

20. This Act may be cited as *The Noise Pollution Control Act, 1971*.

The Noise Pollution
Control Act, 1971

1st Reading

May 14th, 1971

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

CA20N

XB

-B 56

BILL 47

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Consumer Protection Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The new provision ensures that an assignee of a conditional sale or other contract is in no higher position than the assignor in respect of the promise to pay in the contract.

SECTION 2. The amendment preserves the implied warranties under *The Sale of Goods Act* in consumer sales from automatic exclusion by standard terms in contract forms.

BILL 47

1971

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Consumer Protection Act, 1966* is amended by ^{1966, c. 23, amended} adding thereto the following section:

27a.—(1) The assignee of any rights of a lender has no greater rights than and is subject to the same obligations, liabilities and duties as the assignor, and the provisions of this Act apply equally to such assignee. ^{Obligations of assignee of lender}

(2) Notwithstanding subsection 1, a borrower shall ^{Idem} not recover from, or be entitled to set off against, an assignee of the lender an amount greater than the balance owing on the contract at the time of the assignment, and, if there have been two or more assignments, the borrower shall not recover from an assignee who no longer holds the benefit of the contract an amount that exceeds the payments made by the borrower to that assignee.

(2) Subsection 1 applies to assignments made after this ^{Application} section comes into force.

2.—(1) *The Consumer Protection Act, 1966* is amended by ^{1966, c. 23, amended} adding thereto the following section:

29a.—(1) In this section, “consumer sale” means a contract ^{“Consumer sale” defined} for the sale of goods made in the ordinary course of business to a purchaser for his consumption or use, but does not include a sale,

(a) to a purchaser for resale;

(b) to a purchaser whose purchase is in the course of carrying on business;

- (c) to an association of individuals, a partnership or a corporation;
- (d) by a trustee in bankruptcy, a receiver, a liquidator or a person acting under the order of a court.

Implied
warranties
R.S.O. 1960,
c. 358

- (2) The implied conditions and warranties applying to the sale of goods by virtue of *The Sale of Goods Act* apply to goods sold by a consumer sale and any written term or acknowledgement, whether part of the contract of sale or not, that purports to negative or vary any of such implied conditions and warranties is void and, if a term of a contract, is severable therefrom, and such term or acknowledgement shall not be evidence of circumstances showing an intent that any of the implied conditions and warranties are not to apply.

Application

- (2) Subsection 1 applies to contracts for consumer sales entered into after this section comes into force.

Commence-
ment

- 3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 4.** This Act may be cited as *The Consumer Protection Amendment Act, 1971*.

An Act to amend
The Consumer Protection Act, 1966

1st Reading

May 18th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

CA20N

XB

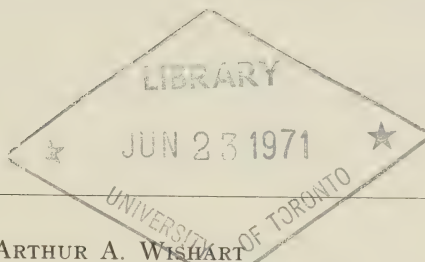
-B 56

BILL 47

Government
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Consumer Protection Act, 1966



THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

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BILL 47

1971

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The Consumer Protection Act, 1966**

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27a.—(1) The assignee of any rights of a lender has no ^{Obligations of assignee of lender} greater rights than and is subject to the same obligations, liabilities and duties as the assignor, and the provisions of this Act apply equally to such assignee.

(2) Notwithstanding subsection 1, a borrower shall ^{Idem} not recover from, or be entitled to set off against, an assignee of the lender an amount greater than the balance owing on the contract at the time of the assignment, and, if there have been two or more assignments, the borrower shall not recover from an assignee who no longer holds the benefit of the contract an amount that exceeds the payments made by the borrower to that assignee.

(2) Subsection 1 applies to assignments made after this ^{Application} section comes into force.

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29a.—(1) In this section, “consumer sale” means a contract ^{“Consumer sale” defined} for the sale of goods made in the ordinary course of business to a purchaser for his consumption or use, but does not include a sale,

(a) to a purchaser for resale;

(b) to a purchaser whose purchase is in the course of carrying on business;

(c) to an association of individuals, a partnership or a corporation;

(d) by a trustee in bankruptcy, a receiver, a liquidator or a person acting under the order of a court.

Implied
warranties
R.S.O. 1960,
c. 358

(2) The implied conditions and warranties applying to the sale of goods by virtue of *The Sale of Goods Act* apply to goods sold by a consumer sale and any written term or acknowledgement, whether part of the contract of sale or not, that purports to negative or vary any of such implied conditions and warranties is void and, if a term of a contract, is severable therefrom, and such term or acknowledgement shall not be evidence of circumstances showing an intent that any of the implied conditions and warranties are not to apply.

Application

(2) Subsection 1 applies to contracts for consumer sales entered into after this section comes into force.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Consumer Protection Amendment Act, 1971*.

An Act to amend
The Consumer Protection Act, 1966

1st Reading

May 18th, 1971

2nd Reading

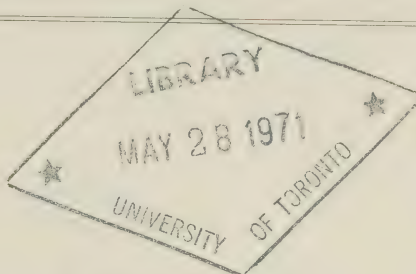
May 27th, 1971

3rd Reading

May 31st, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971



An Act to amend The Corporations Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 TO 4. The amendments delete reference to mutual insurance corporations "with or without guarantee capital stock" since there are no mutual insurance corporations with guarantee capital stock. By reason of deposit and licensing requirements under *The Insurance Act* it is no longer considered necessary for such corporations to have guarantee stock.

The amendments also permit mutual insurance corporations to be formed by residents in a county or district rather than by "freeholders" in a municipality.

BILL 48

1971

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 150 of *The Corporations Act* is amended by striking out “with guarantee capital stock” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 150,
subs. 1,
amended

(1) A mutual or cash-mutual corporation may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*. Incorporation
of mutual and
cash-mutual
insurance
corporations
R.S.O. 1960,
c. 190

(2) Subsection 2 of the said section 150 is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 150,
subs. 2,
amended

(2) A mutual insurance corporation may be incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan upon agricultural property, weather insurance or live stock insurance. Idem

(3) Subsection 3 of the said section 150, as enacted by section 7 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 71, s. 150,
subs. 3
(1968-69,
c. 16, s. 7),
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of re-insurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members. Corporation
for re-
insurance

R.S.O. 1960,
c. 71, s. 151,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 151 of *The Corporations Act* is repealed and the following substituted therefor:

Incorporation
of mutual fire
insurance
corporation

- (1) Ten residents in any county or district may call a meeting of the residents thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation to undertake contracts of fire insurance on the premium note plan upon agricultural property.

R.S.O. 1960,
c. 71, s. 151,
subs. 2,
amended

(2) Subsection 2 of the said section 151 is amended by striking out "in which the municipality is situate" in the fifth and sixth lines, so that the subsection shall read as follows:

Advertise-
ments
calling
meeting

- (2) The meeting shall be called by advertisement, stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 3,
amended

(3) Subsection 3 of the said section 151 is amended by striking out "freeholders" in the first line and inserting in lieu thereof "residents", so that the subsection shall read as follows:

Subscription
book

- (3) If thirty residents are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property in Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation.

R.S.O. 1960,
c. 71, s. 151,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 151 is repealed and the following substituted therefor:

How meeting
to be called

- (5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place in the county or district as they determine by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper having general circulation in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 7,
amended

(5) Subsection 7 of the said section 151 is amended by striking out "municipality, or in a municipality adjacent

thereto, named" in the fifth and sixth lines and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

- (7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual", shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and general accessible place in the county or district at which the head office of the company is to be located.

(6) Subsection 13 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the first and second lines and by inserting after "insurance" in the third line "solely", so that the subsection, exclusive of the clauses, shall read as follows:

- (13) A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan has and is limited to the power to,

(7) Subsection 14 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the second line, so that the subsection shall read as follows:

- (14) The letters patent of a mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

3.—(1) Subsection 1 of section 152 of *The Corporations Act* is amended by striking out "municipality" in the first line and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

- (1) Ten owners of live stock in any county or district may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan.

(2) Subsection 2 of the said section 152 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of live stock in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960,
c. 71, s. 153,
subs. 1,
amended

- 4.—(1) Subsection 1 of section 153 of *The Corporations Act* is amended by striking out “municipality” in the second line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual
weather
insurance
corporation

- (1) Ten owners of agricultural property in any county or district may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 153,
subs. 2,
re-enacted

- (2) Subsection 2 of the said section 153 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of agricultural property in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960,
c. 71, s. 153,
subs. 3,
amended

- (3) Subsection 3 of the said section 153 is amended by striking out “without guarantee capital stock” in the third line, so that the subsection shall read as follows:

Powers

- (3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation incorporated under this section to undertaking contracts of insurance on the premium note

SECTIONS 5 AND 6. Procedures are provided for the incorporation of cash-mutual insurance corporations substantially similar to the procedures required under the Act for the incorporation of other mutual insurance corporations.

Procedures are also provided for a mutual insurance corporation limited to writing insurance on the premium note plan to become a cash-mutual insurance corporation.

The procedures for a mutual or cash-mutual insurance corporation to become a joint stock insurance corporation are revised.

The other sections repealed relate to guarantee capital stock of cash-mutual insurance corporations and their repeal is complementary to the amendments contained in sections 1 to 4 of this Bill.

plan on any kind of agricultural property or property that is not mercantile or manufacturing against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies.

5. Sections 154 to 160 of *The Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, ss. 154-
156,
re-enacted;
ss. 157-160,
repealed

154.—(1) Ten residents of any county or district may call a meeting of other residents thereof to consider whether it is expedient to establish a cash-mutual insurance corporation for the purpose of undertaking any class of insurance for which a cash-mutual corporation may be licensed under *The Insurance Act*.

Incorporation
of cash-
mutual
insurance
corporations

R.S.O. 1960,
c. 190

(2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of a mutual fire insurance corporation undertaking contracts of fire insurance under the premium note plan, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, and that the meeting for the organization of the corporation shall not be held unless fifty residents have signed the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$250,000 or more.

Organization

155.—(1) A mutual insurance corporation incorporated for the purposes of undertaking contracts of insurance on the premium note plan that has a net surplus of assets over all liabilities of not less than \$500,000, may apply to the Lieutenant Governor in Council for the issue of supplementary letters patent converting it into a cash-mutual corporation in the manner provided in this Act.

When mutual
company
writing on
the premium
note plan
may become a
cash-mutual
corporation

(2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Approval of
members

Notice of
application

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Certain
documents
to be
delivered

- (4) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,

(a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

(b) a copy of the minutes of the special meeting of the members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;

(c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;

(d) a list of the proposed officers and directors of the cash-mutual corporation;

(e) such further information as the Minister may require.

Report by
Super-
intendent

- (5) The Superintendent shall report to the Minister whether the proceedings for supplementary letters patent are in accordance with the provisions of this section and the requirements of *The Insurance Act*.

R.S.O. 1960,
c. 190

When cash-
mutual
company
may become
a joint stock
company

- 156.--(1) A mutual or a cash-mutual corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may apply to the Lieutenant Governor for the issue of supplementary letters patent converting it into a joint stock insurance corporation in the manner provided in this Act.

Approval of
members

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the

corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks. Notice of application
- (4) A person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. Priority of members in subscribing stock
- (5) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary, Certain documents to be delivered
 - (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;
 - (b) a copy of the minutes of the special general meeting of members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
 - (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
 - (d) a list of the proposed officers and directors of the cash-mutual corporation;
 - (e) such further information as the Minister may require.

Report of
Super-
intendent

R.S.O. 1960,
c. 190

R.S.O. 1960,
c. 71, s. 161,
amended

R.S.O. 1960,
c. 71, ss. 162-
166,
repealed

R.S.O. 1960,
c. 71, s. 167,
re-enacted

When distri-
bution of
assets among
members
permitted

R.S.O. 1960,
c. 71, s. 168,
re-enacted

Application
of ss. 169-184

R.S.O. 1960,
c. 71, s. 173,
subs. 1,
re-enacted

Voting of
members of
mutual or
cash-mutual
insurance
corporations

R.S.O. 1960,
c. 71, s. 175,
subs. 1,
re-enacted

Qualifica-
tions of
directors

R.S.O. 1960,
c. 71, s. 181,
subs. 2,
repealed

(6) The Superintendent shall report to the Minister whether the application for supplementary letters patent is in accordance with the provisions of this section and the requirements of *The Insurance Act*.

6. Section 161 of *The Corporations Act* is amended by striking out "160" in the first line and inserting in lieu thereof "155 or 156"

7. Sections 162 to 166 of *The Corporations Act* are repealed.

8. Section 167 of *The Corporations Act* is repealed and the following substituted therefor:

167. No mutual or cash-mutual insurance corporation that has ceased to do new business shall divide among its members any part of its assets, except income from investments, until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled.

9. Section 168 of *The Corporations Act* is repealed and the following substituted therefor:

168. Sections 169 to 184 apply only to mutual and cash-mutual insurance corporations.

10. Subsection 1 of section 173 of *The Corporations Act* is repealed and the following substituted therefor:

(1) A member of a mutual or cash-mutual insurance corporation who is not in arrear for any assessment or cash payment due by him to the corporation is entitled at all meetings of the corporation to one vote if the amount of premium paid by him annually is in excess of \$25 and no member is entitled to more than one vote.

11. Subsection 1 of section 175 of *The Corporations Act* is repealed and the following substituted therefor:

(1) No person is eligible to be or shall act as a director unless he is a member of the corporation, insured therein for the time he holds office and entitled to a vote.

12. Subsection 2 of section 181 of *The Corporations Act* is repealed.

SECTIONS 7 AND 8. Complementary to sections 1 to 4 of this Bill.

SECTION 9. The amendment substitutes reference to mutual and cash-mutual corporations generally in place of listing the types.

SECTION 10. The amendment changes the voting rights of members of mutual and cash-mutual insurance corporations and removes the previous schedule of the number of votes of a member being dependent on the amount of insurance held.

SECTION 11. The qualifications of directors of mutual and cash-mutual insurance corporations are amended to remove the requirement as to the amount of insurance a director must hold to qualify. A director must still be a member and insured with the corporation.

SECTION 12. After the 1st day of January, 1973, directors of mutual and cash-mutual insurance corporations will be prevented from receiving fees and applications for insurance. This is consistent with requirements for all classes of insurance.

SECTION 13. The amendment increases the minimum security that a treasurer of a mutual or cash-mutual insurance corporation must provide from \$3,000 to \$5,000 or such additional amount as the by-laws of the corporation or the Superintendent of insurance may require.

SECTION 14. The provisions repealed permit directors to establish reserve funds. These reserve funds are now redundant due to the deposit and licensing requirements of *The Insurance Act*.

13. Subsection 2 of section 185 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 185,
subs. 2,
re-enacted

- (2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$5,000 or such greater amount as may be required by the by-laws of the corporation or by the Superintendent.

Minimum
security

14. Section 187 of *The Corporations Act* is repealed.

R.S.O. 1960,
c. 71, s. 187,
repealed

15.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 12 comes into force on the 1st day of January, 1973.

Idem

16. This Act may be cited as *The Corporations Amendment Act, 1971*.

Short title

An Act to amend
The Corporations Act

1st Reading

May 18th, 1971

2nd Reading

3rd Reading

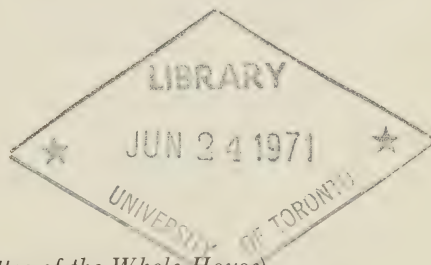
THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTIONS 1 TO 4. The amendments delete reference to mutual insurance corporations "with or without guarantee capital stock" since there are no mutual insurance corporations with guarantee capital stock. By reason of deposit and licensing requirements under *The Insurance Act* it is no longer considered necessary for such corporations to have guarantee stock.

The amendments also permit mutual insurance corporations to be formed by residents in a county or district rather than by "freeholders" in a municipality.

BILL 48

1971

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 150 of *The Corporations Act* is amended by striking out “with guarantee capital stock” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 150,
subs. 1,
amended

- (1) A mutual or cash-mutual corporation may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*. Incorporation
of mutual and
cash-mutual
insurance
corporations
R.S.O. 1960,
c. 190

(2) Subsection 2 of the said section 150 is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 150,
subs. 2,
amended

- (2) A mutual insurance corporation may be incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan upon agricultural property, weather insurance or live stock insurance. Idem

(3) Subsection 3 of the said section 150, as enacted by section 7 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 71, s. 150,
subs. 3
(1968-69,
c. 16, s. 7),
re-enacted

- (3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of re-insurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members. Corporation
for re-
insurance

R.S.O. 1960,
c. 71, s. 151,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 151 of *The Corporations Act* is repealed and the following substituted therefor:

Incorporation
of mutual fire
insurance
corporation

- (1) Ten residents in any county or district may call a meeting of the residents thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation to undertake contracts of fire insurance on the premium note plan upon agricultural property.

R.S.O. 1960,
c. 71, s. 151,
subs. 2,
amended

(2) Subsection 2 of the said section 151 is amended by striking out "in which the municipality is situate" in the fifth and sixth lines, so that the subsection shall read as follows:

Advertise-
ments
calling
meeting

- (2) The meeting shall be called by advertisement, stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 3,
amended

(3) Subsection 3 of the said section 151 is amended by striking out "freeholders" in the first line and inserting in lieu thereof "residents", so that the subsection shall read as follows:

Subscription
book

- (3) If thirty residents are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property in Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation.

R.S.O. 1960,
c. 71, s. 151,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 151 is repealed and the following substituted therefor:

How meeting
to be called

- (5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place in the county or district as they determine by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper having general circulation in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 7,
amended

(5) Subsection 7 of the said section 151 is amended by striking out "municipality, or in a municipality adjacent

thereto, named" in the fifth and sixth lines and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

- (7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual", shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and general accessible place in the county or district at which the head office of the company is to be located.

Election of directors

(6) Subsection 13 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 151,
subs. 13
(1968-69,
c. 16, s. 8),
re-enacted

- (13) A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan has and is limited to the power to,

Powers

- (a) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*;

R.S.O. 1960,
c. 190

- (b) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*;

- (c) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire; and

- (d) undertake contracts of hail insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire.

(7) Subsection 14 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the second line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 71, s. 151,
subs. 14
(1968-69,
c. 16, s. 8),
amended

Powers
deemed in
letters
patent

- (14) The letters patent of a mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

R.S.O. 1960,
c. 71, s. 152,
subs. 1,
amended

3.—(1) Subsection 1 of section 152 of *The Corporations Act* is amended by striking out “municipality” in the first line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual live
stock insur-
ance corpora-
tion

- (1) Ten owners of live stock in any county or district may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 152,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 152 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of live stock in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960,
c. 71, s. 153,
subs. 1,
amended

4.—(1) Subsection 1 of section 153 of *The Corporations Act* is amended by striking out “municipality” in the second line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual
weather
insurance
corporation

- (1) Ten owners of agricultural property in any county or district may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 153,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 153 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of

SECTIONS 5 AND 6. Procedures are provided for the incorporation of cash-mutual insurance corporations substantially similar to the procedures required under the Act for the incorporation of other mutual insurance corporations.

Procedures are also provided for a mutual insurance corporation limited to writing insurance on the premium note plan to become a cash-mutual insurance corporation.

The procedures for a mutual or cash-mutual insurance corporation to become a joint stock insurance corporation are revised.

The other sections repealed relate to guarantee capital stock of cash-mutual insurance corporations and their repeal is complementary to the amendments contained in sections 1 to 4 of this Bill.

a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of agricultural property in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

(3) Subsection 3 of the said section 153 is amended by striking out "without guarantee capital stock" in the third line, so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 153, subs. 3, amended

- (3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation incorporated under this section to undertaking contracts of insurance on the premium note plan on any kind of agricultural property or property that is not mercantile or manufacturing against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies. Powers

5. Sections 154 to 160 of *The Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 71, ss. 154-160, re-enacted; ss. 157-160, repealed

- 154.—(1) Ten residents of any county or district may call a meeting of other residents thereof to consider whether it is expedient to establish a cash-mutual insurance corporation for the purpose of undertaking any class of insurance for which a cash-mutual corporation may be licensed under *The Insurance Act*. Incorporation of cash-mutual insurance corporations

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of a mutual fire insurance corporation undertaking contracts of fire insurance under the premium note plan, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, and that the meeting for the organization of the corporation shall not be held unless fifty residents have signed the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$250,000 or more. Organization

- 155.—(1) A mutual insurance corporation incorporated for the purposes of undertaking contracts of insurance When mutual company writing on the premium note plan may become a cash-mutual corporation

on the premium note plan that has a net surplus of assets over all liabilities of not less than \$500,000, may apply to the Lieutenant Governor in Council for the issue of supplementary letters patent converting it into a cash-mutual corporation in the manner provided in this Act.

Approval of
members

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Notice of
application

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Certain
documents
to be
delivered

- (4) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,
- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;
 - (b) a copy of the minutes of the special meeting of the members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
 - (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
 - (d) a list of the proposed officers and directors of the cash-mutual corporation;
 - (e) such further information as the Minister may require.

- (5) The Superintendent shall report to the Minister whether the proceedings for supplementary letters patent are in accordance with the provisions of this section and the requirements of *The Insurance Act*. Report by Superintendent
R.S.O. 1960, c. 190

156.--(1) A mutual or a cash-mutual corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may apply to the Lieutenant Governor for the issue of supplementary letters patent converting it into a joint stock insurance corporation in the manner provided in this Act. When cash-mutual company may become a joint stock company

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation. Approval of members

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks. Notice of application

- (4) A person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. Priority of members in subscribing stock

- (5) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary, Certain documents to be delivered

(a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

- (b) a copy of the minutes of the special general meeting of members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
- (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
- (d) a list of the proposed officers and directors of the cash-mutual corporation;
- (e) such further information as the Minister may require.

Report of
Super-
intendent

- (6) The Superintendent shall report to the Minister whether the application for supplementary letters patent is in accordance with the provisions of this section and the requirements of *The Insurance Act*.

R.S.O. 1960,
c. 190

R.S.O. 1960,
c. 71, s. 161,
amended

- 6.** Section 161 of *The Corporations Act* is amended by striking out "160" in the first line and inserting in lieu thereof "155 or 156".

R.S.O. 1960,
c. 71, ss. 162-
166,
repealed
R.S.O. 1960,
c. 71, s. 167,
re-enacted

- 7.** Sections 162 to 166 of *The Corporations Act* are repealed.

- 8.** Section 167 of *The Corporations Act* is repealed and the following substituted therefor:

When distri-
bution of
assets among
members
permitted

- 167. No mutual or cash-mutual insurance corporation that has ceased to do new business shall divide among its members any part of its assets, except income from investments, until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled.

R.S.O. 1960,
c. 71, s. 168,
re-enacted

- 9.** Section 168 of *The Corporations Act* is repealed and the following substituted therefor:

Application
of ss. 169-184

- 168. Sections 169 to 184 apply only to mutual and cash-mutual insurance corporations.

R.S.O. 1960,
c. 71, s. 173,
subs. 1,
re-enacted

- 10.** Subsection 1 of section 173 of *The Corporations Act* is repealed and the following substituted therefor:

Voting of
members of
mutual or
cash-mutual
insurance
corporations

- (1) A member of a mutual or cash-mutual insurance corporation who is not in arrear for any assessment or cash payment due by him to the corporation is

SECTIONS 7 AND 8. Complementary to sections 1 to 4 of this Bill.

SECTION 9. The amendment substitutes reference to mutual and cash-mutual corporations generally in place of listing the types.

SECTION 10. The amendment changes the voting rights of members of mutual and cash-mutual insurance corporations and removes the previous schedule of the number of votes of a member being dependent on the amount of insurance held.

SECTION 11. The qualifications of directors of mutual and cash-mutual insurance corporations are amended to remove the requirement as to the amount of insurance a director must hold to qualify. A director must still be a member and insured with the corporation.

SECTION 12. After the 1st day of January, 1973, directors of mutual and cash-mutual insurance corporations will be prevented from receiving fees and applications for insurance. This is consistent with requirements for all classes of insurance.

SECTION 13. The amendment increases the minimum security that a treasurer of a mutual or cash-mutual insurance corporation must provide from \$3,000 to \$5,000 or such additional amount as the by-laws of the corporation or the Superintendent of insurance may require.

SECTION 14. The provisions repealed permit directors to establish reserve funds. These reserve funds are now redundant due to the deposit and licensing requirements of *The Insurance Act*.

entitled at all meetings of the corporation to one vote if the amount of premium paid by him annually is in excess of \$25 and no member is entitled to more than one vote.

11. Subsection 1 of section 175 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 175,
subs. 1,
re-enacted

- (1) No person is eligible to be or shall act as a director unless he is a member of the corporation, insured therein for the time he holds office and entitled to a vote.

Qualifica-
tions of
directors

12. Subsection 2 of section 181 of *The Corporations Act* is repealed.

R.S.O. 1960,
c. 71, s. 181,
subs. 2,
repealed

13. Subsection 2 of section 185 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 185,
subs. 2,
re-enacted

- (2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$5,000 or such greater amount as may be required by the by-laws of the corporation or by the Superintendent.

Minimum
security

14. Section 187 of *The Corporations Act* is repealed.

R.S.O. 1960,
c. 71, s. 187,
repealed

15.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 12 comes into force on the 1st day of January, 1973.

Idem

16. This Act may be cited as *The Corporations Amendment Act, 1971*.

Short title

An Act to amend
The Corporations Act

1st Reading

May 18th, 1971

2nd Reading

June 10th, 1971

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

*(Reprinted as amended by the Committee of
the Whole House)*

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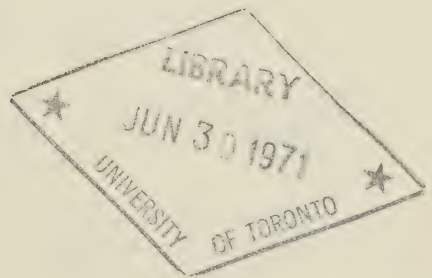
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BILL 48

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

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BILL 48

1971

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 150 of *The Corporations Act* is amended by striking out “with guarantee capital stock” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 150,
subs. 1,
amended

(1) A mutual or cash-mutual corporation may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*. Incorporation
of mutual and
cash-mutual
insurance
corporations
R.S.O. 1960,
c. 190

(2) Subsection 2 of the said section 150 is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 71, s. 150,
subs. 2,
amended

(2) A mutual insurance corporation may be incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan upon agricultural property, weather insurance or live stock insurance. Idem

(3) Subsection 3 of the said section 150, as enacted by section 7 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 71, s. 150,
subs. 3
(1968-69,
c. 16, s. 7),
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of re-insurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members. Corporation
for re-
insurance

R.S.O. 1960,
c. 71, s. 151,
subs. 1,
re-enacted

2.—(1) Subsection 1 of section 151 of *The Corporations Act* is repealed and the following substituted therefor:

Incorporation
of mutual fire
insurance
corporation

- (1) Ten residents in any county or district may call a meeting of the residents thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation to undertake contracts of fire insurance on the premium note plan upon agricultural property.

R.S.O. 1960,
c. 71, s. 151,
subs. 2,
amended

(2) Subsection 2 of the said section 151 is amended by striking out "in which the municipality is situate" in the fifth and sixth lines, so that the subsection shall read as follows:

Advertise-
ments
calling
meeting

- (2) The meeting shall be called by advertisement, stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 3,
amended

(3) Subsection 3 of the said section 151 is amended by striking out "freeholders" in the first line and inserting in lieu thereof "residents", so that the subsection shall read as follows:

Subscription
book

- (3) If thirty residents are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property in Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation.

R.S.O. 1960,
c. 71, s. 151,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 151 is repealed and the following substituted therefor:

How meeting
to be called

- (5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place in the county or district as they determine by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper having general circulation in the county or district.

R.S.O. 1960,
c. 71, s. 151,
subs. 7,
amended

(5) Subsection 7 of the said section 151 is amended by striking out "municipality, or in a municipality adjacent

thereto, named" in the fifth and sixth lines and inserting in lieu thereof "county or district", so that the subsection shall read as follows:

- (7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual", shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and general accessible place in the county or district at which the head office of the company is to be located. Election of directors
- (6) Subsection 13 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 151, subs. 13 (1968-69, c. 16, s. 8), re-enacted
- (13) A mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance solely on the premium note plan has and is limited to the power to, Powers
- (a) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*; R.S.O. 1960, c. 190
- (b) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*;
- (c) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire; and
- (d) undertake contracts of hail insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire.
- (7) Subsection 14 of the said section 151, as re-enacted by section 8 of *The Corporations Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the second line, so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 151, subs. 14 (1968-69, c. 16, s. 8), amended

Powers
deemed in
letters
patent

- (14) The letters patent of a mutual insurance corporation incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

R.S.O. 1960,
c. 71, s. 152,
subs. 1,
amended

3.—(1) Subsection 1 of section 152 of *The Corporations Act* is amended by striking out “municipality” in the first line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual live
stock insur-
ance corpora-
tion

- (1) Ten owners of live stock in any county or district may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 152,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 152 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the county or district, being owners of live stock in Ontario, and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation that in the aggregate amounts to \$50,000 or more.

R.S.O. 1960,
c. 71, s. 153,
subs. 1,
amended

4.—(1) Subsection 1 of section 153 of *The Corporations Act* is amended by striking out “municipality” in the second line and inserting in lieu thereof “county or district”, so that the subsection shall read as follows:

Incorporation
of mutual
weather
insurance
corporation

- (1) Ten owners of agricultural property in any county or district may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

R.S.O. 1960,
c. 71, s. 153,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 153 is repealed and the following substituted therefor:

Organization

- (2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of

on the premium note plan that has a net surplus of assets over all liabilities of not less than \$500,000, may apply to the Lieutenant Governor in Council for the issue of supplementary letters patent converting it into a cash-mutual corporation in the manner provided in this Act.

Approval of
members

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation.

Notice of
application

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks.

Certain
documents
to be
delivered

- (4) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary,
- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;
 - (b) a copy of the minutes of the special meeting of the members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
 - (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
 - (d) a list of the proposed officers and directors of the cash-mutual corporation;
 - (e) such further information as the Minister may require.

- (5) The Superintendent shall report to the Minister whether the proceedings for supplementary letters patent are in accordance with the provisions of this section and the requirements of *The Insurance Act*. Report by Superintendent
R.S.O. 1960,
c. 190

156.—(1) A mutual or a cash-mutual corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may apply to the Lieutenant Governor for the issue of supplementary letters patent converting it into a joint stock insurance corporation in the manner provided in this Act. When cash-mutual company may become a joint stock company

- (2) The application shall be authorized by a resolution of three-fourths in number of the directors of the corporation and confirmed by the members of the corporation by vote representing at least 90 per cent of the members present at a special general meeting duly called for that purpose, but the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member at his latest address as shown on the books of the corporation. Approval of members

- (3) Notice of intention to make the application and of the confirmation by the members of the corporation shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper having general circulation in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks. Notice of application

- (4) A person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. Priority of members in subscribing stock

- (5) With the application for supplementary letters patent, submitted under this section, the applicants shall produce to the Minister certified as correct under the hands of the chairman and secretary, Certain documents to be delivered

- (a) a copy of the notice of the special meeting of the members of the corporation and the notices published in *The Ontario Gazette* and the newspaper;

- (b) a copy of the minutes of the special general meeting of members, including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
- (c) a copy of the corporation's audited financial statement made up to a date not more than seven months prior to the date of the application;
- (d) a list of the proposed officers and directors of the cash-mutual corporation;
- (e) such further information as the Minister may require.

Report of
Super-
intendent

R.S.O. 1960,
c. 190

- (6) The Superintendent shall report to the Minister whether the application for supplementary letters patent is in accordance with the provisions of this section and the requirements of *The Insurance Act*.

R.S.O. 1960,
c. 71, s. 161,
amended

- 6.** Section 161 of *The Corporations Act* is amended by striking out "160" in the first line and inserting in lieu thereof "155 or 156".

R.S.O. 1960,
c. 71, ss. 162-
166,
repealed
R.S.O. 1960,
c. 71, s. 167,
re-enacted

- 7.** Sections 162 to 166 of *The Corporations Act* are repealed.

- 8.** Section 167 of *The Corporations Act* is repealed and the following substituted therefor:

When distri-
bution of
assets among
members
permitted

167. No mutual or cash-mutual insurance corporation that has ceased to do new business shall divide among its members any part of its assets, except income from investments, until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled.

R.S.O. 1960,
c. 71, s. 168,
re-enacted

- 9.** Section 168 of *The Corporations Act* is repealed and the following substituted therefor:

Application
of ss. 169-184

168. Sections 169 to 184 apply only to mutual and cash-mutual insurance corporations.

R.S.O. 1960,
c. 71, s. 173,
subs. 1,
re-enacted

- 10.** Subsection 1 of section 173 of *The Corporations Act* is repealed and the following substituted therefor:

Voting of
members of
mutual or
cash-mutual
insurance
corporations

- (1) A member of a mutual or cash-mutual insurance corporation who is not in arrear for any assessment or cash payment due by him to the corporation is

entitled at all meetings of the corporation to one vote if the amount of premium paid by him annually is in excess of \$25 and no member is entitled to more than one vote.

11. Subsection 1 of section 175 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 175,
subs. 1,
re-enacted

- (1) No person is eligible to be or shall act as a director unless he is a member of the corporation, insured therein for the time he holds office and entitled to a vote.

Qualifica-
tions of
directors

12. Subsection 2 of section 181 of *The Corporations Act* is repealed.

R.S.O. 1960,
c. 71, s. 181,
subs. 2,
repealed

13. Subsection 2 of section 185 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 185,
subs. 2,
re-enacted

- (2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$5,000 or such greater amount as may be required by the by-laws of the corporation or by the Superintendent.

Minimum
security

14. Section 187 of *The Corporations Act* is repealed.

R.S.O. 1960,
c. 71, s. 187,
repealed

15.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 12 comes into force on the 1st day of January, 1973.

Idem

16. This Act may be cited as *The Corporations Amendment Act, 1971*.

Short title

An Act to amend
The Corporations Act

1st Reading

May 18th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 17th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

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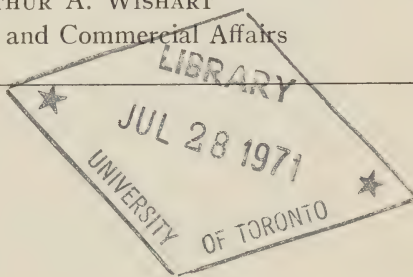
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Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Securities Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1a of subsection 1 of section 1 of *The Securities Act, 1966*, as renumbered by subsection 1 of section 1 of *The Securities Amendment Act, 1968-69*, is repealed and the following substituted therefor:

1966, c. 142,
s. 1, subs. 1,
par. 1a
(1968-69, c.
116, s. 1,
subs. 1),
re-enacted

1a. "associate", where used to indicate a relationship with any person or company means,

- i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
- ii. any partners of that person or company acting by or for the partnership of which they are both partners,
- iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
- iv. any spouse, son or daughter of that person, or
- v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 1, subs. 1,
amended

5b. "distribution to the public", used in relation to trading in securities, means,

- i. trades that are made for the purpose of distributing to the public securities issued by a

company and not previously distributed to the public, or

- ii. trades in previously issued securities for the purpose of distributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of a company to materially affect the control of such company, but any person, company or any combination of persons or companies holding more than 20 per cent of the outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to materially affect the control of such company,

whether such trades are made directly to the public or indirectly to the public through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution.

1966, c. 142,
s. 1, subs. 1,
par. 16,
repealed

(3) Paragraph 16 of subsection 1 of the said section 1 is repealed.

1966, c. 142,
s. 1, subs. 1,
par. 32,
amended

(4) Paragraph 32 of subsection 1 of the said section 1 is amended by striking out "primary" in the fifth line, so that the paragraph shall read as follows:

32. "underwriter" means a person or company who, as principal, purchases securities from a person or company with a view to, or who as agent for a person or company offers for sale or sells securities in connection with, a distribution to the public of such securities, and includes a person or company who has a direct or indirect participation in any such distribution, but does not include a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter.

1966, c. 142,
s. 2, subs. 1,
amended

2.—(1) Subsection 1 of section 2 of *The Securities Act, 1966*, as amended by section 2 of *The Securities Amendment Act, 1968*, is further amended by striking out "five" in the amendment of 1968 and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Commission

- (1) The Commission, which shall be responsible for the administration of this Act, shall be composed of a Chairman and not more than seven other members, one of whom shall be designated as Vice-Chairman.

3.—(1) Paragraph 1 of subsection 1 of section 19 of *The Securities Act, 1966* is amended by inserting after “Act” in the sixth line, “*The Business Corporations Act, 1970*”, so that the paragraph shall read as follows: 1966, c. 142,
s. 19, sub. 1,
par. 1,
amended

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act, The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or at a judicial sale. R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

(2) Paragraph 9 of subsection 1 of the said section 19 is repealed and the following substituted therefor: 1966, c. 142,
s. 19,
subs. 1,
par. 9,
re-enacted

9. A trade in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of such company in connection with,
 - (a) a statutory amalgamation or arrangement;
 - (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or
 - (c) a take-over bid as defined in Part IX.

9a. A trade in a security of a company in connection with an offer to purchase shares by way of private agreement with fewer than fifteen shareholders, or an offer to purchase all of the shares in a private company.

9b. A trade in a security by a company as consideration for a portion of or all of the assets of any person, other than an individual, or any company who agrees to hold the securities for investment only and not with a view to resale or distribution, if the fair value of the assets so purchased is not less than \$100,000.

9c. A trade by a company in the securities of its own issue to its promoters.

(3) Subsection 2 of the said section 19 is amended by adding thereto the following paragraph: 1966, c. 142,
s. 19,
subs. 2,
amended

- 12a. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

1966, c. 142,
s. 26, subs. 1,
amended

4. Subsection 1 of section 26 of *The Securities Act, 1966* is amended by inserting after "Act" where it occurs the first time in the twenty-eighth line, "*The Business Corporations Act, 1970*", so that the subsection shall read as follows:

Order to
hold or
refrain from
dealing
with funds

(1) The Commission may,

- (a) where it is about to order an investigation under section 21 or during or after an investigation under section 21 or 23;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

5. Subsection 1 of section 28 of *The Securities Act, 1966*, ^{1966, c. 142, s. 28, subs. 1, amended} as amended by section 10 of *The Securities Amendment Act, 1968*, is further amended by striking out "Director" in the amendment of 1968 and inserting in lieu thereof "Commission", so that the subsection shall read as follows:

- (1) Any person or company primarily affected by a ^{Review by Commission} direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission.

6. Subsection 1 of section 35 of *The Securities Act, 1966*, ^{1966, c. 142, s. 35, subs. 1, amended} as amended by subsection 1 of section 13 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the fourth line.

7. Section 37 of *The Securities Act, 1966* is amended by ^{1966, c. 142, s. 37, amended} striking out "primary" in the second line.

8. Section 39 of *The Securities Act, 1966* is amended by ^{1966, c. 142, s. 39, amended} striking out "primary" in the seventh line.

9.—(1) Subsection 1 of section 54 of *The Securities Act, 1966* ^{1966, c. 142, s. 54, subs. 1, amended} is amended by striking out "primary" in the first line and in the fifth line.

(2) Subsection 2 of the said section 54 is amended by ^{1966, c. 142, s. 54, subs. 2, amended} striking out "primary" in the third line.

10. Section 55 of *The Securities Act*, as amended by section ^{1966, c. 142, s. 55, amended} 17 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the second line.

11. Section 56 of *The Securities Act, 1966*, as amended by ^{1966, c. 142, s. 56, amended} section 18 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the first line.

12. Section 57 of *The Securities Act, 1966*, as amended by ^{1966, c. 142, s. 57, amended} section 19 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the third line.

13.—(1) Subsection 1 of section 58 of *The Securities Act, 1966* is repealed and the following substituted therefor: ^{1966, c. 142, s. 58, subs. 1, re-enacted}

- (1) Section 35 does not apply to a trade in the course ^{Where s. 35 does not apply} of a distribution to the public where,

- (a) the purchaser or proposed purchaser is a person or company referred to in paragraph 3 of subsection 1 of section 19 who purchases

as principal for investment only and not with a view to resale or distribution;

- (b) the purchaser or proposed purchaser is a person or company referred to in subsection 3 of section 19 who purchases as principal;
- (c) the trade is one referred to in paragraphs 6, 8, 9, 9a, 9b, 9c and 10 of subsection 1 of section 19; or
- (d) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the purchasing person or company is acting as principal.

Trades by
trust
companies
as trustees
R.S.O. 1960,
c. 222

- (1a) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

1966, c. 142,
s. 58, subs. 2,
amended

- (2) Subsection 2 of the said section 58 is amended by inserting after "to" in the first line "a distribution to the public of" so that the subsection, exclusive of the clauses, shall read as follows:

Idem

- (2) Section 35 does not apply to a distribution to the public of securities,

1966, c. 142,
s. 59,
re-enacted

- 14.** Section 59 of *The Securities Act, 1966*, as amended by section 21 of *The Securities Amendment Act, 1968*, is repealed and the following substituted therefor:

Trades
deemed
not a
distribution
to the
public

- 59.—(1) The Commission, where in its opinion to do so would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms or conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution to the public.

Idem

- (2) Where the Commission determines under subsection 1 that a trade or an intended trade would not be a distribution to the public of the security, the Commission may rule that registration is not required in respect of such trade.

Determina-
tion of
whether a
primary
distribution
has
concluded

- (3) Where doubt exists whether a distribution to the public of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Rulings
final

- (4) A ruling of the Commission under this section is final and there is no appeal therefrom.

15.—(1) Subsection 1 of section 60 of *The Securities Act, 1966* is amended by striking out “primary” in the second line. 1966, c. 142, s. 60, subs. 1, amended

(2) Subsection 2 of the said section 60 is amended by striking out “primary” in the second line. 1966, c. 142, s. 60, subs. 2, amended

16. Clause *d* of subsection 1 of section 61 of *The Securities Act*, as amended by subsection 1 of section 1 of *The Securities Amendment Act, 1967*, is repealed and the following substituted therefor: 1966, c. 142, s. 61, subs. 1, cl. d, re-enacted

- (*d*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into.

17.—(1) Subsection 1 of section 62 of *The Securities Act, 1966* is amended by striking out “primary” in the fifth line. 1966, c. 142, s. 62, subs. 1, amended

(2) Subsection 3 of the said section 62, as amended by section 23 of *The Securities Amendment Act, 1968*, is further amended by striking out “primary” in the fourth line, and in the second line of clause *a*. 1966, c. 142, s. 62, subs. 3, amended

18.—(1) Subsection 1 of section 62*a* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1967*, is amended by striking out “primary” in the first line. 1966, c. 142, s. 62*a* (1967, c. 92, s. 2), subs. 1, amended

(2) Subsection 2 of the said section 62*a* is amended by striking out “primary” in the fourth line. 1966, c. 142, s. 62*a* (1967, c. 92, s. 2), subs. 2, amended

19. Subsection 1 of section 63 of *The Securities Act, 1966* is amended by striking out “primary” in the third line. 1966, c. 142, s. 63, subs. 1, amended

20.—(1) Subsection 1 of section 64 of *The Securities Act, 1966* is amended by striking out “primary” in the third line. 1966, c. 142, s. 64, subs. 1, amended

(2) Subsection 2 of the said section 64 is repealed and the following substituted therefor: 1966, c. 142, s. 64, subs. 2, re-enacted

- (2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the prospectus or amended prospectus by the purchaser or from the date of the contract referred to in subsection 1, whichever is later. Period of limitation

(3) Subsection 7 of the said section 64 is amended by striking out “cause of action” in the first line and inserting in lieu thereof “right of rescission”, so that the subsection shall read as follows: 1966, c. 142, s. 64, subs. 7, amended

- (7) The right of rescission conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. No derogation of rights

1966, c. 142,
s. 65,
amended

21. Section 65 of *The Securities Act, 1966* is amended by striking out "primary" in the second line.

1966, c. 142,
s. 80, cl. b,
re-enacted

22. Clause *b* of section 80 of *The Securities Act, 1966* is repealed and the following substituted therefor:

(b) "exempt offer" means,

- (i) an offer to purchase shares by way of private agreement with fewer than fifteen shareholders and not made to shareholders generally,
- (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 109*a*,
- (iii) an offer to purchase shares in a private company, or
- (iv) an offer exempted by order of the Commission made under section 89.

1966, c. 142,
s. 81,
para. 3-7,
re-enacted

23. Paragraphs 3, 4, 5, 6 and 7 of section 81 of *The Securities Act, 1966* are repealed and the following substituted therefor:

- 3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
- 4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
- 5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
- 6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and

paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.

7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up or where the action of the board of directors of the offeree company subsequent to the date of the offer materially changes the undertakings, assets or capital of the offeree company.
11. Where the offer is made for all of the equity shares owned by offerees the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the shares tendered at that time or abandon his offer.

24. Section 86 of *The Securities Act, 1966* is repealed and the following substituted therefor:

1966, c. 142,
s. 86,
re-enacted

- 86.—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by Division D of this Part.

Directors'
circular

Advising
shareholders

- (2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors.

Idem

- (3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer.

Recom-
mendation
by
individual
director or
officer

- (4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with this communication a circular containing, *mutatis mutandis*, the information required by section 95 relating to his holdings and interest.

Sending
communi-
cations

- (5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company.

1966, c. 142,
amended

25. *The Securities Act, 1966* is amended by adding thereto the following section:

Certificate
where
take-over
bid by
company

- 88a.—(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company the take-over bid circular shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign:

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by Part IX of *The Securities Act, 1966*, and the regulations thereunder.”

Idem

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

Certificate
where
take-over
bid by
person

- (3) Where a take-over bid is made by a person, the circular shall be certified in the form set out in subsection 1 by the person making the offer.

Certificate
where
take-over
bid by
undisclosed
principal

- (4) Where the take-over bid is made on behalf of an undisclosed principal, as permitted by section 91, the circular shall be certified in the form set out in subsection 1 by the agent making the offer.

26. Section 89 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142, s. 89, re-enacted

89. Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms or conditions as it may impose, deem the proposed offer to be exempt. Application to disclose bid to be an exempt offer

27. Section 91 of *The Securities Act, 1966* is amended by adding thereto the following subsection: 1966, c. 142, s. 91, amended

- (2) Where a take-over bid is made for less than all of the outstanding equity shares owned by offerees, the identity of the offeror shall be disclosed in the take-over bid circular. Naming of offeror

28. Section 98 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142, s. 98, re-enacted

- 98.—(1) Subject to subsection 2, where a directors' circular is sent to offerees under subsection 1 of section 86 it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign: Certificate on directors circular

"The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 95 to 97 of *The Securities Act, 1966*, and the regulations thereunder."

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company. Idem
- (3) Where a circular is sent out to offerees under subsection 4 of section 86, it shall be certified by the individual director or officer in the form set out in subsection 1. Certificate of circular of individual director or officer

29. *The Securities Act, 1966* is amended by adding thereto the following section: 1966, c. 142, amended

RIGHT OF RESCISSION

Grounds for
rescission
by offeree

99a.—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made.

Limitation
of action

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later.

Exceptions

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact,

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

Receipt
by mail

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed.

Right of
rescission
in addition
to other
rights

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law.

Circular
to contain
notice of
right of
rescission

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section.

1966, c. 142,
s. 100, cl. a,
subcl. i,
amended

30.—(1) Subclause i of clause a of section 100 of *The Securities Act, 1966* is amended by striking out “primary” in the third line.

(2) Subclause iii of clause *a* of the said section 100 is amended by inserting after “*Act*” in the third line “or *The Business Corporations Act, 1970*”, so that the subclause shall read as follows:

- (iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies, or

31. Subsection 2 of section 108 of *The Securities Act, 1966* is amended by striking out “and” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause:

- (c) for the purpose of reporting under section 109 or 109*a*, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

32. *The Securities Act, 1966* is amended by adding thereto the following section:

109*a*.—(1) Where an offeror as defined in Part IX becomes an insider under this Part or *The Business Corporations Act, 1970* and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding such offeror within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership.

- (2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent.

Idem

- (3) Where the facts required to be reported by this section are identical to those required under section 109, a separate report under section 109 is not required.

1966, c. 142,
s. 110,
subs. 1,
amended

33. Subsection 1 of section 110 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the subsection shall read as follows:

Reports
may be
inspected

- (1) All reports filed with the Commission under sections 109 and 109a shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

1966, c. 142,
s. 111,
subs. 1,
amended

34.—(1) Subsection 1 of section 111 of *The Securities Act, 1966* is amended by inserting after "109" in the second line "or 109a", so that the subsection shall read as follows:

Offence

- (1) Every person or company that is required to file a report under section 109 or 109a and who fails to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company fails to so report, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 111,
subs. 2,
amended

(2) Subsection 2 of the said section 111 is amended by striking out "subsection 1, 2 or 3 of section 109" in the second line and inserting in lieu thereof "section 109 or 109a", so that the subsection shall read as follows:

Idem

- (2) Every person or company who files a report under section 109 or 109a that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company files a false or misleading report, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 115, cl. a,
amended

35. Clause a of section 115 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the clause shall read as follows:

- (a) prescribing the form and content of the reports required to be filed under sections 109 and 109a.

36. Subsection 1 of section 116 of *The Securities Act, 1966* ^{1966, c. 142, s. 116, subs. 1, re-enacted} is repealed and the following substituted therefor:

- (1) Upon the application of an interested person or company, the Commission may, ^{Conflict}
- (a) if a requirement of section 109 or 109a conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated; or
 - (b) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in sections 109 and 109a; or
 - (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 109 and 109a.

37.—(1) Subsection 1 of section 118 of *The Securities Act, 1966* ^{1966, c. 142, s. 118, subs. 1, amended} is amended by adding thereto the following clauses:

- (aa) “basic earnings per share” means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

- (c) “fully diluted earnings per share” means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

(2) Subclause i of clause b of subsection 1 of the said section 118 is amended by striking out “primary” in the third line. ^{1966, c. 142, s. 118, subs. 1, cl. b, subcl. i, amended}

1966, c. 142
s. 118,
subs. 1, cl.
b subcl. iii.
amended

(3) Subclause iii of clause *b* of subsection 1 of the said section 118 is amended by inserting after "*Act*" in the third line "*or The Business Corporations Act, 1970*", so that the subclause shall read as follows:

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies.

R.S.O. 1960,
c. 71,
1970, c. 25

1966, c. 142,
s. 118, subs.
2, (1968,
c. 123, s. 31)
amended

(4) Subsection 2 of the said section 118, as enacted by section 31 of *The Securities Amendment Act, 1968*, is amended by striking out "primary" in the fourth line.

1966, c. 142,
s. 120,
subs. 3, 4,
repealed

38. Subsections 3 and 4 of section 120 of *The Securities Act, 1966* are repealed.

1966, c. 142,
s. 121,
subs. 1,
amended

39.—(1) Subsection 1 of section 121 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *i* and by adding thereto the following clauses:

(*k*) the basic earnings per share for the current and preceding year for,

(i) income before extraordinary items, and

(ii) net income for the period; and

(*l*) fully diluted earnings per share for the current year for,

(i) income before extraordinary items, and

(ii) net income for the period,

.

1966, c. 142,
s. 121,
subs. 3,
repealed

(2) Subsection 3 of the said section 121 is repealed.

1966, c. 142,
s. 125,
amended

40. Subsection 3 of section 125 of *The Securities Act, 1966* is amended by adding thereto the following paragraphs:

16. Where the corporation has,

i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more

subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and
 - iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.
17. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.
 18. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
 19. Where the pooling of interest method is used to account for a business combination or acquisition,

an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

1966, c. 142,
s. 129,
subs. 1,
cl. b,
amended

41.—(1) Clause *b* of subsection 1 of section 129 of *The Securities Act, 1966* is amended by striking out “and” at the end of subclause iv and by adding thereto the following subclauses:

- (vi) the basic earnings per share for income before extraordinary items and for net income for the period, and
- (vii) fully diluted earnings per share for income before extraordinary items and for net income.

1966, c. 142,
s. 129,
subs. 2,
repealed

(2) Subsection 2 of the said section 129 is repealed.

1966, c. 142,
s. 130,
subs. 4,
re-enacted

42. Subsection 4 of section 130 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Idem

(4) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor's reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

(a) on the same date as such financial statements are mailed by the corporation to its shareholders; or

(b) so as to reach the Commission within 170 days of the date to which such financial statements are made up or, in the case of interim financial statements, within sixty days of the date to which the interim financial statements are made up,

whichever is earlier.

1966, c. 142,
s. 131,
subs. 1,
re-enacted

43. Subsection 1 of section 131 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Order of
Commission
relieving
against
certain
requirements

(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

- (a) permitting the omission of,
 - (i) financial statements relating separately to the period covered by the financial year next preceding the latest completed financial year referred to in clause *b* of subsection 1 of section 120,
 - (ii) sales or gross operating revenue referred to in clause *a* of subsection 1 of section 121 or subclause *i* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
 - (iii) the basic earnings per share or fully diluted earnings per share referred to in clauses *k* and *l* of subsection 1 of section 121, or in subclauses *vi* and *vii* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be,
 - (iv) the information relating to the comparable period referred to in subsection 1 of section 129;
- (b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of section 123, permitting the corporation to file in lieu thereof, an alternative statement containing such information, if any, as the Commission considers appropriate;
- (c) exempting, in whole or in part, the corporation from the requirements of this Part,
 - (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated, or
 - (ii) if the laws of the jurisdiction to which

the corporation is subject contain substantially similar requirements as contained in this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

1966, c. 142, s. 133, re-enacted **44.** Section 133 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Material to be filed by certain companies R.S.O. 1960, c. 71, 1970, c. 25

133.—(1) A company that is subject to sections 82 to 93a of *The Corporations Act* or sections 167 to 185 of *The Business Corporations Act, 1970* shall file with the Commission its financial statements, auditor's reports thereon and interim financial statements that are required to be mailed by the company to its shareholders.

Time of filing

- (2) The financial statements, auditor's reports thereon and interim financial statements referred to in subsection 1 shall be sent to the Commission on the same date such statements are mailed or required to be mailed by the company to its shareholders, whichever is earlier.

1966, c. 142, amended **45.** *The Securities Act, 1966* is amended by adding thereto the following section:

Consequence of false statement in information circular

141c. Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part IX, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required to sign a certificate under section 88a or section 98 is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved,

- (a) that the circular was prepared and sent without his knowledge or consent, and that, on

becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;

- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement a copy or extract from the document.

46. Section 144 of *The Securities Act, 1966*, as amended by 1966, c. 142, section 3 of *The Securities Amendment Act, 1967* and section 10^{s. 144, amended} of *The Securities Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

- (pa) prescribing the manner of calculating basic earnings per share and fully diluted earnings per share for the purposes of clauses *aa* and *c* of subsection 1 of section 118.

47. This Act comes into force on the day it receives ^{Commence-}Royal Assent.
ment

48. This Act may be cited as *The Securities Amendment Act, 1971*.
Short title

An Act to amend
The Securities Act, 1966

1st Reading

May 20th, 1971

2nd Reading

June 15th, 1971

3rd Reading

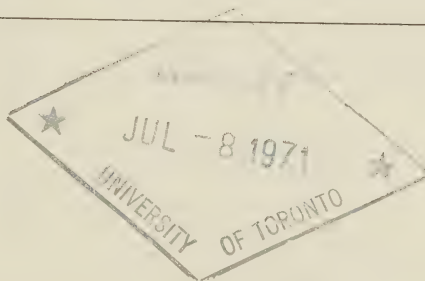
July 8th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Securities Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “associate” is amended to correspond with the definition as enacted in *The Business Corporations Act, 1970*.

Subsections 2, 3 and 4. The word “primary” is deleted from the term “primary distribution” to the public and what constitutes a holding that materially affects control is clarified.

An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1a of subsection 1 of section 1 of *The Securities Act, 1966*, as renumbered by subsection 1 of section 1 of *The Securities Amendment Act, 1968-69*, is repealed and the following substituted therefor:

1966, c. 142,
s. 1, subs. 1,
par. 1a
(1968-69, c.
116, s. 1,
subs. 1),
re-enacted

1a. "associate", where used to indicate a relationship with any person or company means,

- i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
- ii. any partners of that person or company acting by or for the partnership of which they are both partners,
- iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
- iv. any spouse, son or daughter of that person, or
- v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 1, subs. 1,
amended

5b. "distribution to the public", used in relation to trading in securities, means,

- i. trades that are made for the purpose of distributing to the public securities issued by a

company and not previously distributed to the public, or

- ii. trades in previously issued securities for the purpose of distributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of a company to materially affect the control of such company, but any person, company or any combination of persons or companies holding more than 20 per cent of the outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to materially affect the control of such company,

whether such trades are made directly to the public or indirectly to the public through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution.

1966, c. 142,
s. 1, subs. 1,
par. 16,
repealed

- (3) Paragraph 16 of subsection 1 of the said section 1 is repealed.

1966, c. 142,
s. 1, subs. 1,
par. 32,
amended

- (4) Paragraph 32 of subsection 1 of the said section 1 is amended by striking out "primary" in the fifth line, so that the paragraph shall read as follows:

32. "underwriter" means a person or company who, as principal, purchases securities from a person or company with a view to, or who as agent for a person or company offers for sale or sells securities in connection with, a distribution to the public of such securities, and includes a person or company who has a direct or indirect participation in any such distribution, but does not include a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter.

1966, c. 142,
s. 2, subs. 1,
amended

2.—(1) Subsection 1 of section 2 of *The Securities Act, 1966*, as amended by section 2 of *The Securities Amendment Act, 1968*, is further amended by striking out "five" in the amendment of 1968 and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Commission

- (1) The Commission, which shall be responsible for the administration of this Act, shall be composed of a Chairman and not more than seven other members, one of whom shall be designated as Vice-Chairman.

SECTION 3—Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsections 2 and 3. The amendment clarifies the previous definition aimed at exempting statutory amalgamations, reorganizations and mergers. In addition it provides specific exemptions for the issue of shares for assets valued at \$100,000 or more for or the acquisition of mining claims and the purchase of shares by the promoters.

3.—(1) Paragraph 1 of subsection 1 of section 19 of *The Securities Act, 1966* is amended by inserting after “Act” in the sixth line, “*The Business Corporations Act, 1970*”, so that the paragraph shall read as follows: 1966, c. 142,
s. 19, sub. 1,
par. 1,
amended

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act, The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or at a judicial sale. R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

(2) Paragraph 9 of subsection 1 of the said section 19 is repealed and the following substituted therefor: 1966, c. 142,
s. 19,
subs. 1,
par. 9,
re-enacted

9. A trade in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of such company in connection with,

- (a) a statutory amalgamation or arrangement;
- (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or
- (c) a take-over bid as defined in Part IX.

- 9a. A trade in a security of a company in connection with an offer to purchase shares by way of private agreement with fewer than fifteen shareholders, or an offer to purchase all of the shares in a private company.

- 9b. A trade in a security by a company as consideration for a portion of or all of the assets of any person, other than an individual, or any company who agrees to hold the securities for investment only and not with a view to resale or distribution, if the fair value of the assets so purchased is not less than \$100,000.

- 9c. A trade by a company in the securities of its own issue to its promoters.

(3) Subsection 2 of the said section 19 is amended by adding thereto the following paragraph: 1966, c. 142,
s. 19,
subs. 2,
amended

- 12a. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

1966, c. 142,
s. 26, subs. 1,
amended

4. Subsection 1 of section 26 of *The Securities Act, 1966* is amended by inserting after "Act" where it occurs the first time in the twenty-eighth line, "*The Business Corporations Act, 1970*", so that the subsection shall read as follows:

Order to
hold or
refrain from
dealing
with funds

(1) The Commission may,

- (a) where it is about to order an investigation under section 21 or during or after an investigation under section 21 or 23;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

SECTION 5 The amendment requires notice of appeal from the Director's decision to go to the Commission rather than the Director.

SECTIONS 6, 7, 8, 9, 10, 11 and 12. Complementary to subsection 2 of section 1 of this Bill.

SECTION 13—Subsection 1. The amendment makes it clear that the exemptions from the requirement for a prospectus are confined to purchases as principal for the purchaser's own account, preventing the exemptions from being used as a means of avoiding obtaining registration as an underwriter.

5. Subsection 1 of section 28 of *The Securities Act, 1966*,^{1966, c. 142, s. 28, subs. 1, amended} as amended by section 10 of *The Securities Amendment Act, 1968*, is further amended by striking out "Director" in the amendment of 1968 and inserting in lieu thereof "Commission", so that the subsection shall read as follows:

- (1) Any person or company primarily affected by a ^{Review by Commission} direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission.

6. Subsection 1 of section 35 of *The Securities Act, 1966*,^{1966, c. 142, s. 35, subs. 1, amended} as amended by subsection 1 of section 13 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the fourth line.

7. Section 37 of *The Securities Act, 1966* is amended by ^{1966, c. 142, s. 37, amended} striking out "primary" in the second line.

8. Section 39 of *The Securities Act, 1966* is amended by ^{1966, c. 142, s. 39, amended} striking out "primary" in the seventh line.

9.—(1) Subsection 1 of section 54 of *The Securities Act, 1966*^{1966, c. 142, s. 54, subs. 1, amended} is amended by striking out "primary" in the first line and in the fifth line.

(2) Subsection 2 of the said section 54 is amended by ^{1966, c. 142, s. 54, subs. 2, amended} striking out "primary" in the third line.

10. Section 55 of *The Securities Act*, as amended by section ^{1966, c. 142, s. 55, amended} 17 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the second line.

11. Section 56 of *The Securities Act, 1966*, as amended by ^{1966, c. 142, s. 56, amended} section 18 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the first line.

12. Section 57 of *The Securities Act, 1966*, as amended by ^{1966, c. 142, s. 57, amended} section 19 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the third line.

13.—(1) Subsection 1 of section 58 of *The Securities Act, 1966* is repealed and the following substituted therefor:^{1966, c. 142, s. 58, subs. 1, re-enacted}

- (1) Section 35 does not apply to a trade in the course of a distribution to the public where, ^{Where s. 35 does not apply}

- (a) the purchaser or proposed purchaser is a person or company referred to in paragraph 3 of subsection 1 of section 19 who purchases

as principal for investment only and not with a view to resale or distribution;

- (b) the purchaser or proposed purchaser is a person or company referred to in subsection 3 of section 19 who purchases as principal;
- (c) the trade is one referred to in paragraphs 6, 8, 9, 9a, 9b, 9c and 10 of subsection 1 of section 19; or
- (d) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the purchasing person or company is acting as principal.

Trades by
trust
companies
as trustees
R.S.O. 1960,
c. 222

- (1a) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

1966, c. 142,
s. 58, subs. 2,
amended

- (2) Subsection 2 of the said section 58 is amended by inserting after "to" in the first line "a distribution to the public of" so that the subsection, exclusive of the clauses, shall read as follows:

Idem

- (2) Section 35 does not apply to a distribution to the public of securities,

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1966, c. 142,
s. 59,
re-enacted

- 14.** Section 59 of *The Securities Act, 1966*, as amended by section 21 of *The Securities Amendment Act, 1968*, is repealed and the following substituted therefor:

Trades
deemed
not a
distribution
to the
public

- 59.—(1) The Commission, where in its opinion to do so would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms or conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution to the public.

Idem

- (2) Where the Commission determines under subsection 1 that a trade or an intended trade would not be a distribution to the public of the security, the Commission may rule that registration is not required in respect of such trade.

Determina-
tion of
whether a
primary
distribution
has
concluded

- (3) Where doubt exists whether a distribution to the public of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Rulings
final

- (4) A ruling of the Commission under this section is final and there is no appeal therefrom.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 14. The Commission's power to determine whether a trade is in the course of distribution to the public is revised to give discretion to exempt from section 36 on the basis of public interest and subject to conditions that may be imposed.

SECTION 15. Complementary to subsection 2 of section 1 of this Bill.

SECTION 16. The amendment permits the Director to refuse to issue a receipt for a prospectus where there is not an escrow agreement for securities including those issued for cash consideration.

SECTIONS 17, 18 and 19. Complementary to subsection 2 of section 1 of this Bill.

SECTION 20—Subsection 1. Complementary to subsection 2 of section 1 of this Bill.

Subsections 2 and 3. The words implying that the provision confers a cause of action are changed to more accurately refer to a right conferred by the provision.

15.—(1) Subsection 1 of section 60 of *The Securities Act*, 1966, c. 142, s. 60, subs. 1, amended 1966 is amended by striking out “primary” in the second line.

(2) Subsection 2 of the said section 60 is amended by striking out “primary” in the second line. 1966, c. 142, s. 60, subs. 2, amended

16. Clause *d* of subsection 1 of section 61 of *The Securities Act*, as amended by subsection 1 of section 1 of *The Securities Amendment Act*, 1967, is repealed and the following substituted therefor: 1966, c. 142, s. 61, subs. 1, cl. d, re-enacted

- (*d*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into.

17.—(1) Subsection 1 of section 62 of *The Securities Act*, 1966, c. 142, s. 62, subs. 1, amended 1966 is amended by striking out “primary” in the fifth line.

(2) Subsection 3 of the said section 62, as amended by section 23 of *The Securities Amendment Act*, 1968, is further amended by striking out “primary” in the fourth line, and in the second line of clause *a*. 1966, c. 142, s. 62, subs. 3, amended

18.—(1) Subsection 1 of section 62*a* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act*, 1967, is amended by striking out “primary” in the first line. 1966, c. 142, s. 62*a* (1967 c. 92, s. 2), subs. 1, amended

(2) Subsection 2 of the said section 62*a* is amended by striking out “primary” in the fourth line. 1966, c. 142, s. 62*a* (1967 c. 92, s. 2), subs. 2, amended

19. Subsection 1 of section 63 of *The Securities Act*, 1966 is amended by striking out “primary” in the third line. 1966, c. 142, s. 63, subs. 1, amended

20.—(1) Subsection 1 of section 64 of *The Securities Act*, 1966, c. 142, s. 64, subs. 1, amended 1966 is amended by striking out “primary” in the third line.

(2) Subsection 2 of the said section 64 is repealed and the following substituted therefor: 1966, c. 142, s. 64, subs. 2, re-enacted

- (2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the prospectus or amended prospectus by the purchaser or from the date of the contract referred to in subsection 1, whichever is later. Period of limitation

(3) Subsection 7 of the said section 64 is amended by striking out “cause of action” in the first line and inserting in lieu thereof “right of rescission”, so that the subsection shall read as follows: 1966, c. 142, s. 64, subs. 7, amended

- (7) The right of rescission conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. No derogation of rights

1966, c. 142,
s. 65,
amended **21.** Section 65 of *The Securities Act, 1966* is amended by striking out "primary" in the second line.

1966, c. 142,
s. 80, cl. b,
re-enacted **22.** Clause *b* of section 80 of *The Securities Act, 1966* is repealed and the following substituted therefor:

(b) "exempt offer" means,

- (i) an offer to purchase shares by way of private agreement with fewer than fifteen shareholders and not made to shareholders generally,
- (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 109*a*,
- (iii) an offer to purchase shares in a private company, or
- (iv) an offer exempted by order of the Commission made under section 89.

1966, c. 142,
s. 81,
pars. 3-7,
re-enacted **23.** Paragraphs 3, 4, 5, 6 and 7 of section 81 of *The Securities Act, 1966* are repealed and the following substituted therefor:

- 3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
- 4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
- 5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
- 6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and

SECTION 21. Complementary to subsection 2 of section 1 of this Bill.

SECTION 22. The definition of "exempt offer" is revised to eliminate inconsistencies and to complement sections 25 and 31 of this Bill.

SECTION 23. The amendment gives an offeree an additional seven-day withdrawal period where the terms of the take-over bid are varied before the expiration of the offer and deletes the restrictive words "of a class" so that the offer must be for all of the equity shares if the offeror wishes it to extend longer than 35 days. The amendment also requires certain additional information in the take-over circular and prohibits any conditions to the offer except the right to withdraw if a minimum number of shares is not tendered.

SECTION 24. The provisions for directors' circulars are rewritten to provide for advance notice of the circular and to permit an individual director to recommend acceptance or rejection of the take-over bid.

paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.

7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up or where the action of the board of directors of the offeree company subsequent to the date of the offer materially changes the undertakings, assets or capital of the offeree company.
11. Where the offer is made for all of the equity shares owned by offerees the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the shares tendered at that time or abandon his offer.

24. Section 86 of *The Securities Act, 1966* is repealed and the following substituted therefor:

1966, c. 142,
s. 86,
re-enacted

- 86.—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by Division D of this Part.

Directors'
circular

Advising
shareholders

- (2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors.

Idem

- (3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer.

Recommendation
by
individual
director or
officer

- (4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with this communication a circular containing, *mutatis mutandis*, the information required by section 95 relating to his holdings and interest.

Sending
communications

- (5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company.

1966, c. 142,
amended

25. *The Securities Act, 1966* is amended by adding thereto the following section:

Certificate
where
take-over
bid by
company

- 88a.—(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company the take-over bid circular shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign:

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by Part IX of *The Securities Act, 1966*, and the regulations thereunder.”

Idem

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

Certificate
where
take-over bid
by person

- (3) Where a take-over bid is made by a person, the circular shall be certified in the form set out in subsection 1 by the person making the offer.

Certificate
where
take-over
bid by
undisclosed
principal

- (4) Where the take-over bid is made on behalf of an undisclosed principal, as permitted by section 91, the circular shall be certified in the form set out in subsection 1 by the agent making the offer.

SECTION 25. The take-over bid circular is required to be certified in the same manner as a prospectus and to be subject to the same liabilities.

SECTION 26. At present, offers may be exempted by a judge of the High Court. The amendment gives the Commission this power to exempt, subject to appeal as formerly.

SECTION 27. Self-explanatory.

SECTION 28. The directors' circular is required to be certified in the same way as the take-over bid circular.

SECTION 29. The offerees are given the same right to rescind when the take-over bid circular is misleading as a purchaser has in the case of a misleading prospectus.

26. Section 89 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142, s. 89, re-enacted

89. Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms or conditions as it may impose, deem the proposed offer to be exempt. Application to disclose bid to be an exempt offer

27. Section 91 of *The Securities Act, 1966* is amended by adding thereto the following subsection: 1966, c. 142, s. 91, amended

(2) Where a take-over bid is made for less than all of the outstanding equity shares owned by offerees, the identity of the offeror shall be disclosed in the take-over bid circular. Naming of offeror

28. Section 98 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142, s. 98, re-enacted

98.—(1) Subject to subsection 2, where a directors' circular is sent to offerees under subsection 1 of section 86 it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign: Certificate on directors circular

"The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 95 to 97 of *The Securities Act, 1966*, and the regulations thereunder."

(2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company. Idem

(3) Where a circular is sent out to offerees under subsection 4 of section 86, it shall be certified by the individual director or officer in the form set out in subsection 1. Certificate of circular of individual director or officer

29. *The Securities Act, 1966* is amended by adding thereto the following section: 1966, c. 142, amended

RIGHT OF RESCISSION

Grounds for
rescission
by offeree

99a.—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made.

Limitation
of action

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later.

Exceptions

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact,

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

Receipt
by mail

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed.

Right of
rescission
in addition
to other
rights

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law.

Circular
to contain
notice of
right of
rescission

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section.

1966, c. 142,
s. 100, cl. a,
subcl. i,
amended

30.—(1) Subclause i of clause a of section 100 of *The Securities Act, 1966* is amended by striking out “primary” in the third line.

SECTION 30 —Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 31. The purpose of the amendment is to define ownership for the purposes of insider reporting.

SECTION 32. The amendment requires a timely insider report upon the acquisition through market purchases of 20 per cent of the equity shares. A similar report is required on the acquisition of each 5 per cent thereafter.

(2) Subclause iii of clause *a* of the said section 100 is amended by inserting after “*Act*” in the third line “or *The Business Corporations Act, 1970*”, so that the subclause shall read as follows: ^{1966, c. 142 s. 100 cl. a, subcl. iii, amended}

- (iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies, or ^{R.S.O. 1960, c. 71, subs. 2, amended}

31. Subsection 2 of section 108 of *The Securities Act, 1966* is amended by striking out “and” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause: ^{1966, c. 142, s. 108, subs. 2, amended}

- (c) for the purpose of reporting under section 109 or 109*a*, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

32. *The Securities Act, 1966* is amended by adding thereto the following section: ^{1966, c. 142, amended}

109*a*.—(1) Where an offeror as defined in Part IX becomes an insider under this Part or *The Business Corporations Act, 1970* and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding such offeror within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership. ^{Report by offeror 1970, c. 25}

- (2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent. ^{Idem}

Idem

- (3) Where the facts required to be reported by this section are identical to those required under section 109, a separate report under section 109 is not required.

1966, c. 142,
s. 110,
subs. 1,
amended

33. Subsection 1 of section 110 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the subsection shall read as follows:

Reports
may be
inspected

- (1) All reports filed with the Commission under sections 109 and 109a shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

1966, c. 142,
s. 111,
subs. 1,
amended

34.—(1) Subsection 1 of section 111 of *The Securities Act, 1966* is amended by inserting after "109" in the second line "or 109a", so that the subsection shall read as follows:

Offence

- (1) Every person or company that is required to file a report under section 109 or 109a and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company fails to so report, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 111,
subs. 2,
amended

(2) Subsection 2 of the said section 111 is amended by striking out "subsection 1, 2 or 3 of section 109" in the second line and inserting in lieu thereof "section 109 or 109a", so that the subsection shall read as follows:

Idem

- (2) Every person or company who files a report under section 109 or 109a that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company files a false or misleading report, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 115, cl. a,
amended

35. Clause a of section 115 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the clause shall read as follows:

SECTIONS 33, 34, 35 and 36. Complementary to section 32 of this Bill.

SECTION 37—Subsection 1. Complementary to section 39 of this Bill.

Subsections 2 and 4. Complementary to subsection 2 of section 1 of this Bill.

Subsection 3. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporation.

- (a) prescribing the form and content of the reports required to be filed under sections 109 and 109a.

36. Subsection 1 of section 116 of *The Securities Act, 1966* ^{1966, c. 142, s. 116, subs. 1, re-enacted} is repealed and the following substituted therefor:

- (1) Upon the application of an interested person or ^{Conflict} company, the Commission may,
- (a) if a requirement of section 109 or 109a conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated; or
 - (b) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in sections 109 and 109a; or
 - (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 109 and 109a.

37.—(1) Subsection 1 of section 118 of *The Securities Act, 1966* ^{1966, c. 142, s. 118, subs. 1, amended} is amended by adding thereto the following clauses:

- (aa) “basic earnings per share” means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

.

- (c) “fully diluted earnings per share” means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

(2) Subclause i of clause b of subsection 1 of the said ^{1966, c. 142, s. 118, subs. 1, cl. b, subcl. i, amended} section 118 is amended by striking out “primary” in the third line.

1966, c. 142
s. 118,
subs. 1, cl.
b subcl. iii.
amended

(3) Subclause iii of clause *b* of subsection 1 of the said section 118 is amended by inserting after "*Act*" in the third line "*or The Business Corporations Act, 1970*", so that the subclause shall read as follows:

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies.

R.S.O. 1960,
c. 71,
1970, c. 25

1966, c. 142,
s. 118, subs.
2, (1968,
c. 123, s. 31)
amended

(4) Subsection 2 of the said section 118, as enacted by section 31 of *The Securities Amendment Act, 1968*, is amended by striking out "primary" in the fourth line.

1966, c. 142,
s. 120,
subs. 3, 4,
repealed

38. Subsections 3 and 4 of section 120 of *The Securities Act, 1966* are repealed.

1966, c. 142,
s. 121,
subs. 1,
amended

39.—(1) Subsection 1 of section 121 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *i* and by adding thereto the following clauses:

(*k*) the basic earnings per share for the current and preceding year for,

(i) income before extraordinary items, and

(ii) net income for the period; and

(*l*) fully diluted earnings per share for the current year for,

(i) income before extraordinary items, and

(ii) net income for the period,

.

1966, c. 142,
s. 121,
subs. 3,
repealed

(2) Subsection 3 of the said section 121 is repealed.

1966, c. 142,
s. 125,
amended

40. Subsection 3 of section 125 of *The Securities Act, 1966* is amended by adding thereto the following paragraphs:

16. Where the corporation has,

i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more

SECTION 38. The provisions repealed are included in the amendment made by section 43 of this Bill.

SECTION 39—Subsection 1. Earnings per share are required to be shown in the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 43 of this Bill.

SECTION 40. The amendment provides for the break-down by note to the financial statement of certain information in respect of each class of business where the corporation carries on more than one class of business.

subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and

- iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.

- 17. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.
- 18. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
- 19. Where the pooling of interest method is used to account for a business combination or acquisition,

an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

1966, c. 142,
s. 129,
subs. 1,
cl. b,
amended

41.—(1) Clause *b* of subsection 1 of section 129 of *The Securities Act, 1966* is amended by striking out “and” at the end of subclause iv and by adding thereto the following subclauses:

(vi) the basic earnings per share for income before extraordinary items and for net income for the period, and

(vii) fully diluted earnings per share for income before extraordinary items and for net income.

1966, c. 142,
s. 129,
subs. 2,
repealed

(2) Subsection 2 of the said section 129 is repealed.

1966, c. 142,
s. 130,
subs. 4,
re-enacted

42. Subsection 4 of section 130 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Idem

(4) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor's reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

(a) on the same date as such financial statements are mailed by the corporation to its shareholders; or

(b) so as to reach the Commission within 170 days of the date to which such financial statements are made up or, in the case of interim financial statements, within sixty days of the date to which the interim financial statements are made up,

whichever is earlier.

1966, c. 142,
s. 131,
subs. 1,
re-enacted

43. Subsection 1 of section 131 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Order of
Commission
relieving
against
certain
requirements

(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

SECTION 41—Subsection 1. The earnings per share are required to be shown on the interim financial statements in the same way as they are required by section 39 of this Bill to be shown on the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 43 of this Bill.

SECTION 42. The amendment adjusts the period for filing interim financial statements with the Commission.

SECTION 43. The amendment requires the Commission's approval to omit certain information from the financial statement, which at present can be omitted through the use of a note to the financial statement and consolidates in one place the procedure for all similar applications to the Commission.

(a) permitting the omission of,

- (i) financial statements relating separately to the period covered by the financial year next preceding the latest completed financial year referred to in clause *b* of subsection 1 of section 120,
- (ii) sales or gross operating revenue referred to in clause *a* of subsection 1 of section 121 or subclause i of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
- (iii) the basic earnings per share or fully diluted earnings per share referred to in clauses *k* and *l* of subsection 1 of section 121, or in subclauses vi and vii of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be,
- (iv) the information relating to the comparable period referred to in subsection 1 of section 129;

(b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of section 123, permitting the corporation to file in lieu thereof, an alternative statement containing such information, if any, as the Commission considers appropriate;

(c) exempting, in whole or in part, the corporation from the requirements of this Part,

- (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated, or

- (ii) if the laws of the jurisdiction to which

the corporation is subject contain substantially similar requirements as contained in this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

1966, c. 142,
s. 133,
re-enacted

44. Section 133 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Material
to be filed
by certain
companies
R.S.O. 1960,
c. 71,
1970, c. 25

- 133.—(1) A company that is subject to sections 82 to 93a of *The Corporations Act* or sections 167 to 185 of *The Business Corporations Act, 1970* shall file with the Commission its financial statements, auditor's reports thereon and interim financial statements that are required to be mailed by the company to its shareholders.

Time of
filing

- (2) The financial statements, auditor's reports thereon and interim financial statements referred to in subsection 1 shall be sent to the Commission on the same date such statements are mailed or required to be mailed by the company to its shareholders, whichever is earlier.

1966, c. 142,
amended

45. *The Securities Act, 1966* is amended by adding thereto the following section:

Con-
sequence of
false state-
ment in
information
circular

- 141c. Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part IX, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required to sign a certificate under section 88a or section 98 is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved,

- (a) that the circular was prepared and sent without his knowledge or consent, and that, on

SECTION 44. The amendment to subsection 1 of section 133 of the Act corrects an error in the reference and adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations. The amendment to subsection 2 of section 133 adopts the same times for filing material with the Commission as are adopted in section 42 of this Bill.

SECTION 45. The amendment provides similar civil liability and defences in respect of errors in a take-over bid circular as are provided in respect of false statements in a prospectus.

SECTION 46. Complementary to section 37 of this Bill.

becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;

- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement a copy or extract from the document.

46. Section 144 of *The Securities Act, 1966*, as amended by ^{1966, c. 142,} section 3 of *The Securities Amendment Act, 1967* and section 10 ^{s. 144,} amended of *The Securities Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

- (pa) prescribing the manner of calculating basic earnings per share and fully diluted earnings per share for the purposes of clauses *aa* and *c* of subsection 1 of section 118.

47. This Act comes into force on the day it receives ^{Commence-}Royal Assent.
ment

48. This Act may be cited as *The Securities Amendment* ^{Short title}
Act, 1971.

An Act to amend
The Securities Act, 1966

1st Reading

May 20th, 1971

2nd Reading

June 15th, 1971

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

*(Reprinted as amended by
the Committee of the Whole House)*

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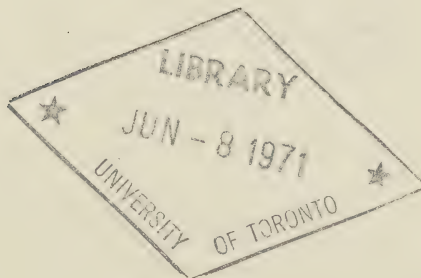
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BILL 49

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Securities Act, 1966

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

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EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “associate” is amended to correspond with the definition as enacted in *The Business Corporations Act, 1970*.

Subsections 2, 3 and 4. The word “primary” is deleted from the term “primary distribution” to the public and what constitutes a holding that materially affects control is clarified.

BILL 49

1971

An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1a of subsection 1 of section 1 of *The Securities Act, 1966*, as renumbered by subsection 1 of section 1 of *The Securities Amendment Act, 1968-69*, is repealed and the following substituted therefor:

1966, c. 142,
s. 1, subs. 1,
par. 1a
(1968-69, c.
116, s. 1,
subs. 1),
re-enacted

1a. "associate", where used to indicate a relationship with any person or company means,

- i. any company of which such person or company beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding,
- ii. any partners of that person or company acting by or for the partnership of which they are both partners,
- iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
- iv. any spouse, son or daughter of that person, or
- v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 1, subs. 1,
amended

5b. "distribution to the public", used in relation to trading in securities, means,

- i. trades that are made for the purpose of distributing to the public securities issued by a company and not previously distributed to the public, or
- ii. trades in previously issued securities for the purpose of distributing such securities to the public where the securities form all or a part of or are derived from the holdings of any person, company or any combination of persons or companies holding a sufficient number of any of the securities of a company to materially affect the control of such company, but any person, company or any combination of persons or companies holding more than 20 per cent of the outstanding equity shares in a company shall, in the absence of evidence to the contrary, be deemed to materially affect the control of such company,

whether such trades are made directly to the public or indirectly to the public through an underwriter or otherwise, and includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to such distribution.

1966, c. 142,
s. 1, subs. 1,
par. 16,
repealed

(3) Paragraph 16 of subsection 1 of the said section 1 is repealed.

1966, c. 142,
s. 1, subs. 1,
par. 32,
amended

(4) Paragraph 32 of subsection 1 of the said section 1 is amended by striking out "primary" in the fifth line, so that the paragraph shall read as follows:

- 32. "underwriter" means a person or company who, as principal, purchases securities from a person or company with a view to, or who as agent for a person or company offers for sale or sells securities in connection with, a distribution to the public of such securities, and includes a person or company who has a direct or indirect participation in any such distribution, but does not include a person or company whose interest in the transaction is limited to receiving the usual and customary distributors' or sellers' commission payable by an underwriter.

SECTION 2—Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsections 2 and 3. The amendment clarifies the previous definition aimed at exempting statutory amalgamations, reorganizations and mergers. In addition it provides specific exemptions for the issue of shares for assets valued at \$100,000 or more for or the acquisition of mining claims and the purchase of shares by the promoters.

2.—(1) Paragraph 1 of subsection 1 of section 19 of *The Securities Act, 1966* is amended by inserting after “Act” in the sixth line, “*The Business Corporations Act, 1970*”, so that the paragraph shall read as follows:

1966 c. 142,
s. 19, sub. 1,
par. 1,
amended

1. A trade in a security by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada), or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act, The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or at a judicial sale.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

(2) Paragraph 9 of subsection 1 of the said section 19 is repealed and the following substituted therefor:

1966, c. 142,
s. 19,
subs. 1,
par. 9,
re-enacted

9. A trade in a security of a company that is exchanged by or for the account of such company or the holders of the securities of such company in connection with,

- (a) a statutory amalgamation or arrangement;

- (b) any statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge in a new company; or

- (c) a take-over bid as defined in Part IX.

9a. A trade in a security of a company in connection with an offer to purchase shares by way of private agreement with less than fifteen shareholders, or an offer to purchase all of the shares in a private company.

9b. A trade in a security by a company as consideration for a portion of or all of the assets of any person or company if the fair value of the assets so purchased is not less than \$100,000.

9c. A trade by a company in the securities of its own issue to its promoters.

(3) Subsection 2 of the said section 19 is amended by adding thereto the following paragraph:

1966, c. 142,
s. 19,
subs. 2,
amended

12a. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

1966, c. 142,
s. 26, subs. 1,
amended

3. Subsection 1 of section 26 of *The Securities Act, 1966* is amended by inserting after "Act" where it occurs the first time in the twenty-eighth line, "*The Business Corporations Act, 1970*", so that the subsection shall read as follows:

Order to
hold or
refrain from
dealing
with funds

(1) The Commission may,

- (a) where it is about to order an investigation under section 21 or during or after an investigation under section 21 or 23;
- (b) where it is about to make or has made a direction, decision, order or ruling suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act, 1970*, or the *Winding-up Act* (Canada), or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296,
R.S.O. 1960,
cc. 197, 71,
1970, c. 25

SECTION 4. The amendment requires notice of appeal from the Director's decision to go to the Commission rather than the Director.

SECTIONS 5, 6, 7, 8, 9, 10 and 11. Complementary to subsection 2 of section 1 of this Bill.

SECTION 12—Subsection 1. The amendment makes it clear that the exemptions from the requirement for a prospectus are confined to purchases as principal for the purchaser's own account, preventing the exemptions from being used as a means of avoiding obtaining registration as an underwriter.

4. Subsection 1 of section 28 of *The Securities Act, 1966*, ^{1966, c. 142, s. 28, subs. 1, amended} as amended by section 10 of *The Securities Amendment Act, 1968*, is further amended by striking out "Director" in the amendment of 1968 and inserting in lieu thereof "Commission", so that the subsection shall read as follows:

- (1) Any person or company primarily affected by a ^{Review by Commission} direction, decision, order or ruling of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the direction, decision, order or ruling, request and be entitled to a hearing and review thereof by the Commission.

5. Subsection 1 of section 35 of *The Securities Act, 1966*, ^{1966, c. 142, s. 35, subs. 1, amended} as amended by subsection 1 of section 13 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the fourth line.

6. Section 37 of *The Securities Act, 1966* is amended by ^{1966, c. 142, s. 37, amended} striking out "primary" in the second line.

7. Section 39 of *The Securities Act, 1966* is amended by ^{1966, c. 142, s. 39, amended} striking out "primary" in the seventh line.

8.—(1) Subsection 1 of section 54 of *The Securities Act, 1966* ^{1966, c. 142, s. 54, subs. 1, amended} is amended by striking out "primary" in the first line and in the fifth line.

(2) Subsection 2 of the said section 54 is amended by ^{1966, c. 142, s. 54, subs. 2, amended} striking out "primary" in the third line.

9. Section 55 of *The Securities Act*, as amended by section ^{1966, c. 142, s. 55, amended} 17 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the second line.

10. Section 56 of *The Securities Act, 1966*, as amended by ^{1966, c. 142, s. 56, amended} section 18 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the first line.

11. Section 57 of *The Securities Act, 1966*, as amended by ^{1966, c. 142, s. 57, amended} section 19 of *The Securities Amendment Act, 1968*, is further amended by striking out "primary" in the third line.

12.—(1) Subsection 1 of section 58 of *The Securities Act, 1966* ^{1966, c. 142, s. 58, subs. 1, re-enacted} is repealed and the following substituted therefor:

- (1) Section 35 does not apply to a trade in the course of a distribution to the public where, ^{Where s. 35 does not apply}

- (a) the purchaser or proposed purchaser is a person or company referred to in paragraph 3 of subsection 1 of section 19 who purchases

as principal for investment only and not with a view to resale or distribution;

- (b) the purchaser or proposed purchaser is a person or company referred to in subsection 3 of section 19 who purchases as principal;
- (c) the trade is one referred to in paragraphs 6, 8, 9, 9a, 9b, 9c and 10 of subsection 1 of section 19; or
- (d) the trade is made from one person or company registered for trading in securities to another person or company registered for trading in securities where the purchasing person or company is acting as principal.

Trades by
trust
companies
as trustees
R.S.O. 1960,
c. 222

- (1a) For the purposes of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

1966, c. 142,
s. 58, subs. 2,
amended

- (2) Subsection 2 of the said section 58 is amended by inserting after "to" in the first line "a distribution to the public of" so that the subsection, exclusive of the clauses, shall read as follows:

Idem

- (2) Section 35 does not apply to a distribution to the public of securities,

.

1966, c. 142,
s. 59,
re-enacted

- 13.** Section 59 of *The Securities Act, 1966*, as amended by section 21 of *The Securities Amendment Act, 1968*, is repealed and the following substituted therefor:

Trades
deemed
not a
distribution
to the
public

- 59.—(1) The Commission, where in its opinion to do so would not be prejudicial to the public interest, upon the application of an interested party may rule that, subject to such terms or conditions as the Commission may impose, a trade or an intended trade in a security shall be deemed not to be a distribution to the public.

Idem

- (2) Where the Commission determines under subsection 1 that a trade or an intended trade would not be a distribution to the public of the security, the Commission may rule that registration is not required in respect of such trade.

Determina-
tion of
whether a
primary
distribution
has
concluded

- (3) Where doubt exists whether a distribution to the public of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Rulings
final

- (4) A ruling of the Commission under this section is final and there is no appeal therefrom.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 13. The Commission's power to determine whether a trade is in the course of distribution to the public is revised to give discretion to exempt from section 35 on the basis of public interest and subject to conditions that may be imposed.

SECTION 14. Complementary to subsection 2 of section 1 of this Bill.

SECTION 15. The amendment permits the Director to refuse to issue a receipt for a prospectus where there is not an escrow agreement for securities including those issued for cash consideration.

SECTIONS 16, 17 and 18. Complementary to subsection 2 of section 1 of this Bill.

SECTION 19—Subsection 1. Complementary to subsection 2 of section 1 of this Bill.

Subsections 2 and 3. The words implying that the provision confers a cause of action are changed to more accurately refer to a right conferred by the provision.

14.—(1) Subsection 1 of section 60 of *The Securities Act*, 1966, c. 142, s. 60, subs. 1, amended
1966 is amended by striking out “primary” in the second line.

(2) Subsection 2 of the said section 60 is amended by striking out “primary” in the second line. 1966, c. 142, s. 60, subs. 2, amended

15. Clause *d* of subsection 1 of section 61 of *The Securities Act*, as amended by subsection 1 of section 1 of *The Securities Amendment Act, 1967*, is repealed and the following substituted therefor: 1966, c. 142, s. 61, subs. 1, cl. d, re-enacted

- (*d*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into.

16.—(1) Subsection 1 of section 62 of *The Securities Act*, 1966, c. 142, s. 62, subs. 1, amended
1966 is amended by striking out “primary” in the fifth line.

(2) Subsection 3 of the said section 62, as amended by section 23 of *The Securities Amendment Act, 1968*, is further amended by striking out “primary” in the fourth line, and in the second line of clause *a*. 1966, c. 142, s. 62, subs. 3, amended

17.—(1) Subsection 1 of section 62*a* of *The Securities Act*, as enacted by section 2 of *The Securities Amendment Act, 1967*, is amended by striking out “primary” in the first line. 1966, c. 142, s. 62*a* (1967, c. 92, s. 2), subs. 1, amended

(2) Subsection 2 of the said section 62*a* is amended by striking out “primary” in the fourth line. 1966, c. 142, s. 62*a* (1967, c. 92, s. 2), subs. 2, amended

18. Subsection 1 of section 63 of *The Securities Act, 1966* is amended by striking out “primary” in the third line. 1966, c. 142, s. 63, subs. 1, amended

19.—(1) Subsection 1 of section 64 of *The Securities Act*, 1966, c. 142, s. 64, subs. 1, amended
1966 is amended by striking out “primary” in the third line.

(2) Subsection 2 of the said section 64 is repealed and the following substituted therefor: 1966, c. 142, s. 64, subs. 2, re-enacted

- (2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the prospectus or amended prospectus by the purchaser or from the date of the contract referred to in subsection 1, whichever is later. Period of limitation

(3) Subsection 7 of the said section 64 is amended by striking out “cause of action” in the first line and inserting in lieu thereof “right of rescission”, so that the subsection shall read as follows: 1966, c. 142, s. 64, subs. 7, amended

- (7) The right of rescission conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. No derogation of rights

1966, c. 142,
s. 65,
amended

20. Section 65 of *The Securities Act, 1966* is amended by striking out "primary" in the second line.

1966, c. 142,
s. 80, cl. b,
re-enacted

21. Clause *b* of section 80 of *The Securities Act, 1966* is repealed and the following substituted therefor:

(b) "exempt offer" means,

- (i) an offer to purchase shares by way of private agreement with fewer than fifteen individual shareholders and not made to shareholders generally,
- (ii) an offer to purchase shares to be effected through the facilities of a stock exchange or in the over-the-counter market, where such purchases are reported in accordance with section 109a,
- (iii) an offer to purchase shares in a private company, or
- (iv) an offer exempted by order of the Commission made under section 89.

1966, c. 142,
s. 81,
pars. 3-7,
re-enacted

22. Paragraphs 3, 4, 5, 6 and 7 of section 81 of *The Securities Act, 1966* are repealed and the following substituted therefor:

- 3. Any shares deposited pursuant to a take-over bid may be withdrawn by or on behalf of an offeree at any time until the expiration of seven days from its date, but where the terms of the take-over bid are varied before the expiration thereof the offeree shall have an additional seven days from the date of their receipt of the varied offer to withdraw any shares deposited pursuant to the take-over bid.
- 4. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
- 5. Where a take-over bid is made for less than all the equity shares owned by offerees, the period of time within which shares may be deposited pursuant to the take-over bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid.
- 6. Where a take-over bid is made for less than all the equity shares owned by offerees, shares deposited pursuant to the take-over bid shall be taken up and

SECTION 20. Complementary to subsection 2 of section 1 of this Bill.

SECTION 21. The definition of "exempt offer" is revised to eliminate inconsistencies and to complement sections 25 and 31 of this Bill.

SECTION 22. The amendment gives an offeree an additional seven-day withdrawal period where the terms of the take-over bid are varied before the expiration of the offer and deletes the restrictive words "of a class" so that the offer must be for all of the equity shares if the offeror wishes it to extend longer than 35 days. The amendment also requires certain additional information in the take-over circular and prohibits any conditions to the offer except the right to withdraw if a minimum number of shares is not tendered.

SECTION 23. The provisions for directors' circulars are rewritten to provide for advance notice of the circular and to permit an individual director to recommend acceptance or rejection of the take-over bid.

paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which shares may be deposited pursuant thereto.

7. Where a take-over bid is made for less than all the equity shares owned by offerees and where a greater number of shares is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of shares deposited by each offeree.
8. Where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
9. Where the offeror intends to purchase securities in the market, his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the equity shares owned by the offeree, he shall not reduce the number of shares he is bound or willing to take up under paragraph 7 by the number of shares purchased in the market.
10. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if the offerees fail to tender the minimum number of shares the offeror is bound and willing to take up.
11. Where the offer is made for all of the equity shares owned by offerees the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the shares tendered at that time or abandon his offer.

23. Section 86 of *The Securities Act, 1966* is repealed and the following substituted therefor:

1966, c. 142,
s. 86,
re-enacted

- 86.—(1) Where the board of directors of an offeree company recommends to offerees acceptance or rejection of a take-over bid made to such offerees, the board shall send or cause to be sent to each offeree with this communication a directors' circular, which shall contain the information prescribed by Division D of this Part.

Directors'
circular

Advising
shareholders

- (2) Where the board of directors is considering sending a circular under subsection 1, it may advise its shareholders of this fact and may advise them not to tender their shares until a further communication is received from the directors.

Idem

- (3) Where the board of directors elects to send a communication under subsection 2, it shall send a directors' circular at least seven days prior to the expiry of the offer.

Recom-
mendation
by
individual
director or
officer

- (4) An individual director or officer may recommend to offerees acceptance or rejection of a take-over bid made to such offerees if the director or officer sends or causes to be sent to each offeree with this communication a circular containing, *mutatis mutandis*, the information required by section 95 relating to his holdings and interest.

Sending
communi-
cations

- (5) All communications required or permitted by this section shall be sent to each offeree by prepaid mail at his last address as shown on the books of the company.

1966, c. 142,
amended

24. *The Securities Act, 1966* is amended by adding thereto the following section:

Certificate
where
take-over
bid by
company

- 88a.—(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company the take-over bid circular shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoer, duly authorized to sign:

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by Part IX of *The Securities Act, 1966*, and the regulations thereunder.”

Idem

- (2) Where the company has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

Certificate
where
take-over bid
by person

- (3) Where a take-over bid is made by a person, the circular shall be certified in the form set out in subsection 1 by the person making the offer.

Certificate
where
take-over
bid by
undisclosed
principal

- (4) Where the take-over bid is made on behalf of an undisclosed principal, as permitted by section 91, the circular shall be certified in the form set out in subsection 1 by the agent making the offer.

SECTION 24. The take-over bid circular is required to be certified in the same manner as a prospectus and to be subject to the same liabilities.

SECTION 25. At present, offers may be exempted by a judge of the High Court. The amendment gives the Commission this power to exempt, subject to appeal as formerly.

SECTION 26. Self-explanatory.

SECTION 27. The directors' circular is required to be certified in the same way as the take-over bid circular.

SECTION 28. The offerees are given the same right to rescind when the take-over bid circular is misleading as a purchaser has in the case of a misleading prospectus.

25. Section 89 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 89,
re-enacted

89. Any person or company may apply to the Commission for an order declaring a take-over bid to be an exempt offer and the Commission may, where in its opinion such an order would not be prejudicial to the public interest, upon such terms or conditions as it may impose, deem the proposed offer to be exempt. Application
to disclose
bid to
be an
exempt
offer

26. Section 91 of *The Securities Act, 1966* is amended by adding thereto the following subsection: 1966, c. 142,
s. 91,
amended

- (2) Where a take-over bid is made for less than all of the outstanding equity shares owned by offerees, the identity of the offeror shall be disclosed in the take-over bid circular. Naming of
offeror

27. Section 98 of *The Securities Act, 1966* is repealed and the following substituted therefor: 1966, c. 142,
s. 98,
re-enacted

- 98.—(1) Subject to subsection 2, where a directors' circular is sent to offerees under subsection 1 of section 86 it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any two directors of the company other than the foregoing, duly authorized to sign: Certificate
on directors
circular

"The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 95 to 97 of *The Securities Act, 1966*, and the regulations thereunder."

- (2) Where the company has only three directors, two of whom are the chief executive officers and the chief financial officer, the certificate may be signed by all the directors of the company. Idem
- (3) Where a circular is sent out to offerees under subsection 4 of section 86, it shall be certified by the individual director or officer in the form set out in subsection 1. Certificate
of circular
of individual
director or
officer

28. *The Securities Act, 1966* is amended by adding thereto the following section: 1966, c. 142,
amended

RIGHT OF RESCISSION

Grounds for
rescission
by offeree

99a.—(1) An offeree who is a party to a contract resulting from a take-over bid has a right to rescind the contract if the take-over bid circular forwarded in compliance with this Part received by the offeree, as of the date of receipt, contains an untrue statement of a material fact or omits to state a material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made.

Limitation
of action

(2) No action shall be commenced to enforce the right of rescission conferred by this section after the expiration of ninety days from the receipt of the take-over bid circular or amended circular or from the date of the contract referred to in subsection 1, whichever is later.

Exceptions

(3) Subsection 1 does not apply to untrue statements of a material fact or an omission to state a material fact,

(a) if the untruth of such statements or the fact of such omission was unknown to the offeror and, in the exercise of reasonable diligence, could not have been known to the offeror; or

(b) if the offeree knew of the untruth of the statement or knew of the omission at the time he tendered his securities to the offeror.

Receipt
by mail

(4) For the purpose of this section, where a take-over bid circular or amended circular is sent by prepaid mail it shall be deemed to be received in the ordinary course of mail by the person or company to whom it was addressed.

Right of
rescission
in addition
to other
rights

(5) The right of rescission conferred by this section is in addition to and without derogation from any other right the offeree may have at law.

Circular
to contain
notice of
right of
rescission

(6) Every take-over bid circular shall contain a statement of the right of rescission provided by this section.

1966, c. 142,
s. 100, cl. a,
subcl. i,
amended

29.—(1) Subclause i of clause a of section 100 of *The Securities Act, 1966* is amended by striking out “primary” in the third line.

SECTION 29—Subsection 1. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations.

Subsection 2. Complementary to subsection 2 of section 1 of this Bill.

SECTION 30. The purpose of the amendment is to define ownership for the purposes of insider reporting.

SECTION 31. The amendment requires a timely insider report upon the acquisition through market purchases of 20 per cent of the equity shares. A similar report is required on the acquisition of each 5 per cent thereafter.

(2) Subclause iii of clause *a* of the said section 100 is amended by inserting after “*Act*” in the third line “or *The Business Corporations Act, 1970*”, so that the subclause shall read as follows: ^{1966, c. 142 s. 100 cl. a, subcl. iii, amended}

- (iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies, or ^{R.S.O. 1960, c. 71, 1970, c. 25}

30. Subsection 2 of section 108 of *The Securities Act, 1966* is amended by striking out “and” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause: ^{1966, c. 142, s. 108, subs. 2, amended}

- (c) for the purpose of reporting under section 109 or 109*a*, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent.

31. *The Securities Act, 1966* is amended by adding thereto the following section: ^{1966, c. 142, amended}

109*a*.—(1) Where an offeror as defined in Part IX becomes an insider and through purchases effected through the facilities of a stock exchange or in the over-the-counter market becomes the beneficial owner, directly or indirectly, of equity shares of a corporation carrying 20 per cent or more of the voting rights attached to all equity shares of the corporation for the time being outstanding such offeror within three days of acquiring such 20 per cent ownership, shall file with the Commission a report as of the day on which he attained such ownership. ^{Report by offeror}

- (2) An offeror required to file a report under subsection 1 shall, within three days of purchasing further equity shares carrying an additional 5 per cent of the voting rights through the facilities of a stock exchange or in the over-the-counter market file with the Commission a report as of the day on which he attained the additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent. ^{Idem}

Idem

- (3) Where the facts required to be reported by this section are identical to those required under section 109, a separate report under section 109 is not required.

1966, c. 142,
s. 110,
subs. 1,
amended

32. Subsection 1 of section 110 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the subsection shall read as follows:

Reports
may be
inspected

- (1) All reports filed with the Commission under sections 109 and 109a shall be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports.

1966, c. 142,
s. 111,
subs. 1,
amended

33.—(1) Subsection 1 of section 111 of *The Securities Act, 1966* is amended by inserting after "109" in the second line "or 109a", so that the subsection shall read as follows:

Offence

- (1) Every person or company that is required to file a report under section 109 or 109a and who fails so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company fails to so report, every director or officer of such company who authorized, permitted or acquiesced in such failure is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 111,
subs. 2,
amended

- (2) Subsection 2 of the said section 111 is amended by striking out "subsection 1, 2 or 3 of section 109" in the second line and inserting in lieu thereof "section 109 or 109a", so that the subsection shall read as follows:

Idem

- (2) Every person or company who files a report under section 109 or 109a that is false or misleading by reason of the misstatement or omission of any material fact is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, and, where a company files a false or misleading report, every director or officer of such company who authorized, permitted or acquiesced in the filing of such false or misleading report is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

1966, c. 142,
s. 115, cl. a,
amended

34. Clause a of section 115 of *The Securities Act, 1966* is amended by striking out "section 109" in the second line and inserting in lieu thereof "sections 109 and 109a", so that the clause shall read as follows:

SECTIONS 32, 33, 34 and 35. Complementary to section 31 of this Bill.

SECTION 36—Subsection 1. Complementary to section 38 of this Bill.

Subsections 2 and 4. Complementary to subsection 2 of section 1 of this Bill.

Subsection 3. The amendment adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporation.

- (a) prescribing the form and content of the reports required to be filed under sections 109 and 109a.

35. Subsection 1 of section 116 of *The Securities Act, 1966* ^{1966, c. 142, s. 116, subs. 1, re-enacted} is repealed and the following substituted therefor:

- (1) Upon the application of an interested person or ^{Conflict} company, the Commission may,

- (a) if a requirement of section 109 or 109a conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated; or
- (b) if the laws of the jurisdiction to which the corporation is subject contain substantially similar requirements as contained in sections 109 and 109a; or
- (c) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of sections 109 and 109a.

36.—(1) Subsection 1 of section 118 of *The Securities Act, 1966* ^{1966, c. 142, s. 118, subs. 1, amended} is amended by adding thereto the following clauses:

- (aa) “basic earnings per share” means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations;

.

- (c) “fully diluted earnings per share” means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by the regulations.

(2) Subclause i of clause b of subsection 1 of the said ^{1966, c. 142, s. 118, subs. 1, cl. b, subcl. i, amended} section 118 is amended by striking out “primary” in the third line.

1966, c. 142
s. 118,
subs. 1, cl.
b subcl. iii.
amended

(3) Subclause iii of clause *b* of subsection 1 of the said section 118 is amended by inserting after "*Act*" in the third line "*or The Business Corporations Act, 1970*", so that the subclause shall read as follows:

(iii) a company incorporated by or under a general or special Act of the Legislature or a company to which Part II of *The Corporations Act* or *The Business Corporations Act, 1970* applies.

R.S.O. 1960,
c. 71,
1970, c. 25

1966, c. 142,
s. 118, subs.
2, (1968,
c. 123, s. 31)
amended

(4) Subsection 2 of the said section 118, as enacted by section 31 of *The Securities Amendment Act, 1968*, is amended by striking out "primary" in the fourth line.

1966, c. 142,
s. 120,
subs. 3, 4,
repealed

37. Subsections 3 and 4 of section 120 of *The Securities Act, 1966* are repealed.

1966, c. 142,
s. 121,
subs. 1,
amended

38.—(1) Subsection 1 of section 121 of *The Securities Act, 1966* is amended by striking out "and" at the end of clause *i* and by adding thereto the following clauses:

(*k*) the basic earnings per share for the current and preceding year for,

(i) income before extraordinary items, and

(ii) net income for the period; and

(*l*) fully diluted earnings per share for the current year for,

(i) income before extraordinary items, and

(ii) net income for the period,

.

1966, c. 142,
s. 121,
subs. 3,
repealed

(2) Subsection 3 of the said section 121 is repealed.

1966, c. 142,
s. 125,
amended

39. Subsection 3 of section 125 of *The Securities Act, 1966* is amended by adding thereto the following paragraphs:

16. Where the corporation has,

i. in the course of a financial period, carried on business of two or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial period, or if it has one or more

SECTION 37. The provisions repealed are included in the amendment made by section 42 of this Bill.

SECTION 38—Subsection 1. Earnings per share are required to be shown in the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 42 of this Bill.

SECTION 39. The amendment provides for the break-down by note to the financial statement of certain information in respect of each class of business where the corporation carries on more than one class of business.

subsidiaries, does not prepare its financial statement in consolidated form in respect of any subsidiary, or

- ii. has one or more subsidiaries at the end of its financial period and prepares its financial statement in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of two or more classes that, in the opinion of the directors of the corporation, differ substantially from each other,

a statement of the proportions in which the amount of sales or gross revenue for that period, so far as stated in the financial statement in respect of that period, is divided among those classes of business but for the purposes of subparagraphs i and ii,

- iii. classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class, and
 - iv. a corporation having gross sales and revenues exceeding \$25,000,000 need only report in respect of a class of business that contributes 10 per cent or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of \$25,000,000 or less need only report in respect of a class of business that contributes 15 per cent or more of the total gross revenue of the corporation.
17. Where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in Part IX, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by the regulations.
 18. Where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition.
 19. Where the pooling of interest method is used to account for a business combination or acquisition,

an earnings history for at least two years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

1966, c. 142,
s. 129,
subs. 1,
cl. b,
amended

40.—(1) Clause *b* of subsection 1 of section 129 of *The Securities Act, 1966* is amended by striking out “and” at the end of subclause iv and by adding thereto the following subclauses:

(vi) the basic earnings per share for income before extraordinary items and for net income for the period, and

(vii) fully diluted earnings per share for income before extraordinary items and for net income.

1966, c. 142,
s. 129,
subs. 2,
repealed

(2) Subsection 2 of the said section 129 is repealed.

1966, c. 142,
s. 130,
subs. 4,
re-enacted

41. Subsection 4 of section 130 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Idem

(4) Where a corporation complies with this Part by complying with subsection 1, the financial statements and the auditor's reports thereon, the interim financial statements and the additional financial information referred to in clauses *a* and *b* of subsection 1 shall be sent to the Commission,

(a) on the same date as such financial statements are mailed by the corporation to its shareholders; or

(b) so as to reach the Commission within 170 days of the date to which such financial statements are made up or, in the case of interim financial statements, within sixty days of the date to which the interim financial statements are made up,

whichever is earlier.

1966, c. 142,
s. 131,
subs. 1,
re-enacted

42. Subsection 1 of section 131 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Order of
Commission
relieving
against
certain
requirements

(1) Upon the application of a corporation, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

SECTION 40—Subsection 1. The earnings per share are required to be shown on the interim financial statements in the same way as they are required by section 38 of this Bill to be shown on the financial statement.

Subsection 2. The provision repealed is included in the amendment made by section 42 of this Bill.

SECTION 41. The amendment adjusts the period for filing interim financial statements with the Commission.

SECTION 42. The amendment requires the Commission's approval to omit certain information from the financial statement, which at present can be omitted through the use of a note to the financial statement and consolidates in one place the procedure for all similar applications to the Commission.

(a) permitting the omission of,

- (i) financial statements relating separately to the period covered by the financial year next preceding the latest completed financial year referred to in clause *b* of subsection 1 of section 120,
- (ii) sales or gross operating revenue referred to in clause *a* of subsection 1 of section 121 or subclause *i* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be, where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the corporation,
- (iii) the basic earnings per share or fully diluted earnings per share referred to in clauses *k* and *l* of subsection 1 of section 121, or in subclauses *vi* and *vii* of clause *b* of subsection 1 of section 129 from the statement of profit and loss or the interim financial statement, as the case may be,
- (iv) the information relating to the comparable period referred to in subsection 1 of section 129;

(b) where, in the opinion of the Commission, the corporation is unable to comply with the requirements of section 123, permitting the corporation to file in lieu thereof, an alternative statement containing such information, if any, as the Commission considers appropriate;

(c) exempting, in whole or in part, the corporation from the requirements of this Part,

- (i) if such a requirement conflicts with a requirement of the laws of the jurisdiction in which a corporation is incorporated, or
- (ii) if the laws of the jurisdiction to which

the corporation is subject contain substantially similar requirements as contained in this Part, or

- (iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing.

1966, c. 142,
s. 133,
re-enacted

43. Section 133 of *The Securities Act, 1966* is repealed and the following substituted therefor:

Material
to be filed
by certain
companies
R.S.O. 1960,
c. 71,
1970, c. 25

133.—(1) A company that is subject to sections 82 to 93a of *The Corporations Act* or sections 167 to 185 of *The Business Corporations Act, 1970* shall file with the Commission its financial statements, auditor's reports thereon and interim financial statements that are required to be mailed by the company to its shareholders.

Time of
filing

(2) The financial statements, auditor's reports thereon and interim financial statements referred to in subsection 1 shall be sent to the Commission on the same date such statements are mailed or required to be mailed by the company to its shareholders, whichever is earlier.

1966, c. 142,
amended

44. *The Securities Act, 1966* is amended by adding thereto the following section:

Con-
sequence of
false state-
ment in
information
circular

141c. Where a circular has been sent to the offerees or the shareholders of an offeree company as required by Part IX, every person or company to whom such circular was sent shall be deemed to have relied upon the statements made in the circular and, if a material false statement is contained in a circular, each person who at the time the circular was signed was a director of the company on whose behalf the circular was signed and each person who was required to sign a certificate under section 88a or section 98 is liable to pay compensation to all shareholders of the company whose shares are the subject of the take-over bid for any loss or damage such shareholders have sustained as a result of such material false statement unless it is proved,

- (a) that the circular was prepared and sent without his knowledge or consent, and that, on

SECTION 43. The amendment to subsection 1 of section 133 of the Act corrects an error in the reference and adds reference to *The Business Corporations Act, 1970* to retain the inclusion of share capital corporations. The amendment to subsection 2 of section 133 adopts the same times for filing material with the Commission as are adopted in section 41 of this Bill.

SECTION 44. The amendment provides similar civil liability and defences in respect of errors in a take-over bid circular as are provided in respect of false statements in a prospectus.

SECTION 45. Complementary to section 36 of this Bill.

becoming aware of its being sent, he forthwith gave reasonable public notice that it was so sent without his knowledge or consent;

- (b) that, before the statement was relied or acted upon, on becoming aware of any false statement therein, he withdrew his consent thereto and gave reasonable public notice of such withdrawal and of the reasons therefor;
- (c) that, with respect to every false statement, he had reasonable grounds to believe and did believe that the statement was true;
- (d) that he had no reasonable grounds to believe that an expert who made a statement in a circular or whose report or valuation was produced or fairly summarized therein was not competent to make such statement, valuation or report; or
- (e) that, with respect to every false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement a copy or extract from the document.

45. Section 144 of *The Securities Act, 1966*, as amended by ^{1966, c. 142,} section 3 of *The Securities Amendment Act, 1967* and section 10 ^{s. 144,} amended of *The Securities Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

- (pa) prescribing the manner of calculating basic earnings per share and fully diluted earnings per share for the purposes of clauses *aa* and *c* of subsection 1 of section 118.

46. This Act comes into force on the day it receives ^{Commence-} Royal Assent. ^{ment}

47. This Act may be cited as *The Securities Amendment* ^{Short title} *Act, 1971.*

An Act to amend
The Securities Act, 1966

1st Reading

May 20th, 1971

2nd Reading

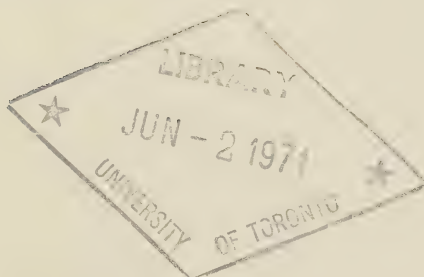
3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Statute Labour Act

MR. JACKSON



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment would allow the commissioners elected to take a declaration of office before a justice of the peace or a commissioner for taking affidavits.

SECTION 2. The six days notice has been increased to fourteen to allow a greater length of time for delivery.

SECTION 3. Subsection 1. The salary for the secretary-treasurer has been increased to bring it in line with present wage practices.

Subsection 2. The amendment would allow the secretary-treasurer to take the declaration of office before a justice of the peace or a commissioner for taking affidavits.

BILL 50

1971

An Act to amend The Statute Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Statute Labour Act* is amended by R.S.O. 1960, c. 382, s. 21, inserting after "peace" in the second line "or a commissioner amended for taking affidavits".

2. Section 30 of *The Statute Labour Act* is amended by R.S.O. 1960, c. 382, s. 30, striking out "six" in the third line and in the sixth line and amended inserting in lieu thereof in each instance "fourteen".

3.—(1) Subsection 1 of section 31 of *The Statute Labour Act* is amended by striking out "\$50" in the eighth line and R.S.O. 1960, c. 382, s. 31, subs. 1, inserting in lieu thereof "\$150". amended

(2) Subsection 2 of the said section 31 is amended by R.S.O. 1960, c. 382, s. 31, inserting after "peace" in the third line "or a commissioner amended for taking affidavits". amended

4. This Act comes into force on the day it receives Royal Commence-
Assent. ment

5. This Act may be cited as *The Statute Labour Amendment Act, 1971*. Short title

An Act to amend
The Statute Labour Act

1st Reading

May 20th, 1971

2nd Reading

3rd Reading

MR. JACKSON

(Private Member's Bill)

CA20N
XB
-B56

BILL 51

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

Government
Publications

An Act to amend The Public Lands Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amended subsections are made applicable to a person who causes a building or structure to be erected in a restricted area without first obtaining a permit.

SECTION 2. The purpose of the amendment is to clarify the intent of section 27*a* of the Act.

BILL 51

1971

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 16 of *The Public Lands Act* R.S.O. 1960, c. 324, s. 16, subss. 2, 3, re-enacted are repealed and the following substituted therefor:

(2) Except under the authority of a permit issued under Permits this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

(3) Every person who erects or causes to be erected a Offences building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

2. Section 27a of *The Public Lands Act*, as enacted by R.S.O. 1960, c. 324, s. 27a (1960-61, c. 81, s. 2), re-enacted section 2 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

27a. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Penalty for unauthorized filling in, etc., of public lands

R.S.O. 1960,
c. 324, s. 27 b
(1960-61, c. 81
s. 2) subss. 1, 2,
re-enacted

3. Subsections 1 and 2 of section 27b of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Unauthorized
occupation,
etc., of
posted public
lands

(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

(a) the possession, occupation or any use or uses thereof; or

(b) the parking of vehicles thereon.

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause a of subsection 1 in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause b of subsection 1 in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 324, s. 31,
re-enacted

4. Section 31 of *The Public Lands Act* is repealed and the following substituted therefor:

Cancellation
of erroneous
letters patent

31.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Effect of
corrected
letters patent

(2) The corrected letters patent issued pursuant to subsection 1 shall,

(a) relate back to the date of the defective letters patent cancelled pursuant to subsection 1;

(b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection 1; and

(c) have the effect of correcting, *mutatis mutandis*, every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him.

SECTION 3. Subsection 1. The amendment permits the Department to control and govern the use of public lands by the erection of signs, and not merely to prohibit such use as at present.

Subsection 2. Complementary to subsection 1.

SECTION 4. The purpose of the amendment is to clarify the application and intent of section 31 of the Act. Where defective letters patent are cancelled and corrected letters patent are issued in their stead, the corrected letters patent shall have the effect of correcting every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming under or through him.

SECTION 5. The administration and control of the construction and maintenance of dams is assigned to the Minister of Lands and Forests.

- (3) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. Land registered under R.S.O. 1960, c. 204

5. *The Public Lands Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 324, amended

PART IV

CONSTRUCTION OF DAMS

74. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. Interpretation
75. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. Construction
76. Land or any interest therein may be acquired or expropriated under *The Public Works Act* for the purpose of this Part. Acquisition of land R.S.O. 1960, c. 338
77. The Minister may enter into any contract or agreement that he considers advisable to effect the purposes of this Part. Agreements
- 78.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to enter and use
- (a) enter upon and use any land;
 - (b) alter in any manner any natural or artificial feature of any land;
 - (c) construct and use roads on, to and from any land;
 - (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land; or
 - (e) place upon or remove from any land any substance or structure.

Compensa-
tion

1968-69,
c. 36

- (2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of *The Expropriations Act, 1968-69*, and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Public Lands Amendment Act, 1971*.

An Act to amend
The Public Lands Act

1st Reading

May 27th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

CA20N

XB

-B 56

Government
Publications

BILL 51

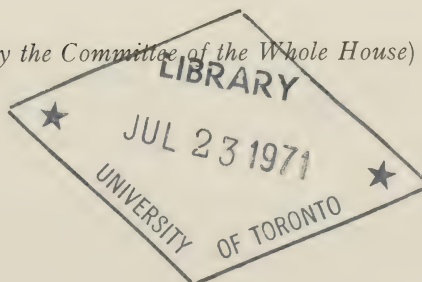
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Lands Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amended subsections are made applicable to a person who causes a building or structure to be erected in a restricted area without first obtaining a permit.

SECTION 2. The purpose of the amendment is to clarify the intent of section 27*a* of the Act.

BILL 51

1971

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 16 of *The Public Lands Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 16,
subss. 2, 3,
re-enacted

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

Permits

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offences

2. Section 27a of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 27a
(1960-61, c. 81,
s. 2),
re-enacted

27a. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Penalty for
unauthorized
filling in,
etc., of
public
lands

R.S.O. 1960,
c. 324, s. 27b
(1960-61, c. 81
s. 2) subss. 1, 2,
re-enacted

3. Subsections 1 and 2 of section 27b of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Unauthorized
occupation,
etc., of
posted public
lands

(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

(a) the possession, occupation or any use or uses thereof; or

(b) the parking of vehicles thereon.

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause *a* of subsection 1 in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause *b* of subsection 1 in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 324, s. 31,
re-enacted

4. Section 31 of *The Public Lands Act* is repealed and the following substituted therefor:

Cancellation
of erroneous
letters patent

31.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Effect of
corrected
letters patent

 (2) Corrected letters patent heretofore or hereafter issued shall, 

(a) relate back to the date of the defective letters patent cancelled pursuant to subsection 1;

(b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection 1; and

(c) have the effect of correcting, *mutatis mutandis*, every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him.

SECTION 3. Subsection 1. The amendment permits the Department to control and govern the use of public lands by the erection of signs, and not merely to prohibit such use as at present.

Subsection 2. Complementary to subsection 1.

SECTION 4. The purpose of the amendment is to clarify the application and intent of section 31 of the Act. Where defective letters patent are cancelled and corrected letters patent are issued in their stead, the corrected letters patent shall have the effect of correcting every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming under or through him.

SECTION 5. The administration and control of the construction and maintenance of dams is assigned to the Minister of Lands and Forests.

- (3) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. Land registered under R.S.O. 1960, c. 204

5. *The Public Lands Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 324, amended

PART IV

CONSTRUCTION OF DAMS

74. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. Interpretation
75. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. Construction
76. Land or any interest therein may be acquired or expropriated under *The Public Works Act* for the purpose of this Part. Acquisition of land R.S.O. 1960, c. 338
77. The Minister may enter into any contract or agreement that he considers advisable to effect the purposes of this Part. Agreements
- 78.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to enter and use
- (a) enter upon and use any land;
 - (b) alter in any manner any natural or artificial feature of any land;
 - (c) construct and use roads on, to and from any land;
 - (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land; or
 - (e) place upon or remove from any land any substance or structure.

Compensa-
tion

1968-69,
c. 36

- (2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of *The Expropriations Act, 1968-69*, and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Public Lands Amendment Act, 1971*.

An Act to amend
The Public Lands Act

1st Reading

May 27th, 1971

2nd Reading

June 24th, 1971

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

*(Reprinted as amended by
the Committee of the Whole House)*

CA20N

XB

-B56

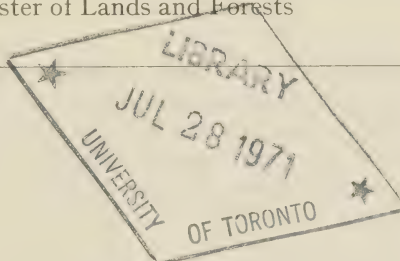
BILL 51

Governor
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Lands Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 51

1971

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 16 of *The Public Lands Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 16,
subss. 2, 3,
re-enacted

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

Permits

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offences

2. Section 27a of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 27a
(1960-61, c. 81,
s. 2),
re-enacted

27a. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Penalty for
unauthorized
filling in,
etc., of
public
lands

R.S.O. 1960,
c. 324, s. 27b
(1960-61, c. 81
s. 2) subss. 1, 2,
re-enacted

3. Subsections 1 and 2 of section 27b of *The Public Lands Act*, as enacted by section 2 of *The Public Lands Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Unauthorized
occupation,
etc., of
posted public
lands

(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

(a) the possession, occupation or any use or uses thereof; or

(b) the parking of vehicles thereon.

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause a of subsection 1 in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause b of subsection 1 in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 324, s. 31,
re-enacted

4. Section 31 of *The Public Lands Act* is repealed and the following substituted therefor:

Cancellation
of erroneous
letters patent

31.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Effect of
corrected
letters patent

(2) Corrected letters patent heretofore or hereafter issued shall,

(a) relate back to the date of the defective letters patent cancelled pursuant to subsection 1;

(b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection 1; and

(c) have the effect of correcting, *mutatis mutandis*, every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him.

- (3) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. Land registered under R.S.O. 1960, c. 204

5. *The Public Lands Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 324, amended

PART IV

CONSTRUCTION OF DAMS

74. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. Interpretation
75. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. Construction
76. Land or any interest therein may be acquired or expropriated under *The Public Works Act* for the purpose of this Part. Acquisition of land R.S.O. 1960, c. 338
77. The Minister may enter into any contract or agreement that he considers advisable to effect the purposes of this Part. Agreements
- 78.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to enter and use
- (a) enter upon and use any land;
 - (b) alter in any manner any natural or artificial feature of any land;
 - (c) construct and use roads on, to and from any land;
 - (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land; or
 - (e) place upon or remove from any land any substance or structure.

Compensa-
tion

1968-69,
c. 36

- (2) Any powers referred to in subsection 1 may be exercised immediately notwithstanding any provision of *The Expropriations Act, 1968-69*, and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Lands Amendment Act, 1971*.

An Act to amend
The Public Lands Act

1st Reading

May 27th, 1971

2nd Reading

June 24th, 1971

3rd Reading

July 13th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

